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# Indian Delimitation Committee

## Volume III

### Selections from Evidence.

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## I.—SINGLE MEMBER AND MULTI-MEMBER CONSTITUENCIES (MADRAS).

### 1. Evidence of Dewan Bahadur Ramaswamy Mudaliyar.

*Bombay, dated 9th December 1935.*

*The Chairman.*—We want your advice not about Bombay but about Madras. What we found in Madras was that the Government have recommended single-member constituencies. There is a fairly strong and vocal minority which wants multi-member constituencies, and the argument placed before us is this: they said in point of fact that although under the present constitution there were single-member constituencies where one seat was reserved for non-Brahmins, in practice owing to the fact that the non-Brahmins did not need this reservation and could do without it, these seats were regarded as multi-member constituencies, and they were unwilling to depart from the established practice. It is a fairly keenly contested point down there and we had a little difficulty in arriving at conclusions. Could you tell us what your views are about that?—My views will depend very largely on whether the system of cumulative voting is to be adopted or the distributive system of voting is going to be adopted.

*Q.*—Which are you in favour of?—I am in favour of cumulative voting. You will find that the minorities in Madras are not only advocating multi-member constituencies but they want to make the distributive system compulsory. The real crux of the problem, however, is not whether it should be multi-member or single member but whether the system of voting should be cumulative or distributive. If you have the distributive system in multi-member constituencies, apart from many other administrative difficulties, I know as one who has been unfortunately concerned with elections that it will make it more difficult for any candidate. In view of the size or area of the electorate, the size and number of the voters and the physical impossibility of keeping in touch with every part of the district, which is essential in the distributive system, I would go in for cumulative system.

*Q.*—We were told—the same thing has been said here in Bombay—that the great advantage of multi-member constituencies is the representation of minorities, and I think in one of the dissenting minutes it was put like this, *viz.* “A Reddi for a Reddi, a Mudaliar for a Mudaliar, a Kamma for a Kamma, a Brahmin for a Brahmin.” They said they wanted to get representation for these minorities. We felt a little bit uneasy about it because elsewhere we have not had the question of castes within the Hindu community coming into play at all, but here we have been told that it is rather more political opinion than caste or sub-castes which determine the minorities which need protection. Is that the case in Madras? Is it necessary to have multi-member constituencies to ensure fair and adequate representation of minorities known to you on these caste lines?—It goes back again to the cumulative system. Whether it is a political minority or other caste, it depends upon the cumulative system. With the distributive system all this would disappear, and it is going to be a straight fight with such forces as can get together. It will mean leaving out large blocks of opinion altogether unrepresented in the legislature. But if you adopt the cumulative system, the objection against multi-member constituencies would largely disappear, although I would urge that the size of the constituency and the number of voters should be as small as possible. I won't have more than 2 members in a town with multi-member constituency and 3 where there is a reserved seat.

*Q.*—The reserved seats complicate the question a bit. They undoubtedly do. Wherever there is a reserved seat, it becomes a source of difficulty for the multi-member constituency. The other point is this: the theory was advanced that if you have these multi-member constituencies with cumulative vote, you do away gradually with these?—Reserved seats later on.

*Q.*—They said so. You have a Reddi or a Kamma in a constituency. There are two seats in a multi-member constituency. Now the two parties—we will call



them for the sake of argument Congress and anti-Congress—are striving one against the other, each wishes to have a Reddi or a Kamma candidate. This Reddi and this Kamma will, for the sake of self-protection, have to work together. That was the argument put before us. The other side of the argument was that by having multi-member constituencies you keep this communal spirit alive and rather increase it. What is your view on that?—I am against single-member constituencies. When you actually divide the area into single member constituencies you will find that the population divides itself on caste basis in the districts. It won't make much difference that way.

Q.—Would not multi-member constituencies reduce that? A single-member system seems to ride rough-shod over those differences, these—communal differences, caste differences. We do not mind if one caste, which has got a majority, gets in. We do not care about the other castes having representation?—The only point of view from which I look at single-member constituencies is this: not so much from the caste or community point of view but from the point of view of ultimate return of members, whether they would be strictly on two-party basis which we are very anxious to promote, or whether it would tend to promote the group system of political parties. From that point of view, there is something to be said in favour of single member constituencies, because one party or the other will be in the majority and it will always be a two party contest in a single-member constituency. I do not see how that advantage could be got in multi-member constituency with cumulative voting.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—The only gentleman who gave evidence in support of multi-member constituencies was Dr. Subbaroyan. In pointing out the advantages and disadvantage of distributive and cumulative voting, I said to him “Don't you think in those circumstances that cumulative voting is preferable?” and his answer was—he was one of the gentlemen who signed a dissenting minute—that he was for distributive voting. I put the question to him in this fashion: “so far as we are concerned, having heard all that I said, are you now convinced that a multi-member constituency with cumulative method of voting is to be preferred to the other system which you advocate?” His answer was—“Personally, I do agree with you and so far as I am concerned, I am in favour of multi-member constituencies with cumulative voting?”—If he had said that in the Committee, there would have been far less trouble.

Q.—I put to him the position this way: “if it is a single non-transferable vote, if there are three candidates A, B and C, you are required to give your vote either to A or to B or to C. If it is the distributive method of voting, you may give your vote to A, B and C or to A and B or B and C or C and A or to A or to B or to C. Under the cumulative system of voting, all this is open to you *plus* you may give all your votes to A or to B or to C. Therefore, from the point of view of giving the greatest freedom to the electorate, the cumulative system is the best. The cumulative system comprehends within itself both the distributive and the single non-transferable vote. If you once realise it, I see no difficulty in your agreeing to the cumulative vote as the best, because you are in favour of giving the greatest freedom to the voters. Do you agree” and he said “I entirely agree”.

*The Chairman.*—There is a suggestion that the cumulative vote might aggravate communal tendencies, that each group or sub-caste is likely to be banned by the other.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—In their demand the multi-member constituency was coupled with distributive system of voting. Dr. Subbaroyan said that if he represented any school of thought, he considered that multi-member constituency with cumulative system of voting would perfectly satisfy the body of politicians—I suppose whom he represents—at any rate it would satisfy him, to quote his own words. You won't object to that seriously?—I would not object to that.

Q.—I may tell you also, I think in the Southborough Commission Report there is a passage that so far as Madras and Bombay are concerned, they may be treated alike and both may be given multi-member constituencies?—When the actual voting came, Bombay got cumulative system and we (Madras) got distributive system.

Q.—You did, but if you go back to the history of it, it was something like this, they both got multi-member constituencies, but Bombay thought that as the cumulative system had gone on for 15 years, it might be kept on, and therefore it gave reasons why multi-member constituencies with cumulative voting should now be adopted. Have you any objection to adopting the same method?—I would not have any objection, but my Presidency is emphatically opposed to multi-member constituencies with cumulative voting.

*The Chairman.*—Am I right in supposing that you would not object to multi-member constituencies if the size was not unreasonable?—Yes.

Q.—In the Council Debates I think several of them advocated multi-member constituencies with distributive method of voting. That is not what they are wanting here in Bombay.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—That is altogether out of the question so far as Madras is concerned. Dewan Bahadur, I suppose you have got the memorandum prepared by Government, Mr. Boag's memorandum, I think Appendix V. In that you see they advocate two-member constituencies.—That is a compromise between extreme advocates of multi-member constituencies and single-member constituencies.

Q.—I am glad you agree with us on that matter. My feeling was that people who speak at public meetings about the distributive method and the cumulative method do not fully understand what they are talking about?—I must say many of them do not.

Q.—I myself had conversations with a number of people but when I put to them this position, they were unable to give an answer.

*The Hon'ble Mr. Justice Din Muhammad.*—Have you any serious objection to single member constituencies?—I have no objection against single member constituencies on broad political grounds but if multi-member constituencies are to be there, I would prefer two-member constituencies where there is no reservation.

*The Chairman.*—What part do you come from?—Chingleput. As a matter of fact, I represent Madras City. At first there were 5 seats, but somehow or other Madras was then divided into two divisions, viz. 2 in one part without reservation and 3 (one reserved). If you take the latest Government memorandum, I think you will find that Government have recommended that Tiruvallur should have one reserved seat, Conjeeveram one seat, Madurantakam and Chingleput one seat, Saidapet one seat.

Q.—What have they got in Mr. Boag's Memorandum?—Chingleput—Rural Chingleput—Conjeeveram taluk, Chingelpet and Madurantakam taluk, Saidapet, Tiruvallur.

Q.—Conjeeveram will go into?—Conjeeveram has gone into Chingleput and you have increased one seat. It will be 3 and 3 in this case with one reserved seat in each area. Chingleput Division consists of 3 taluks, viz. Chingleput and Madurantakam, Saidapet, Tiruvallur.

Q.—2 seats and one reserved.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Two constituencies and six members.

*The Chairman.*—You think that would give fair and adequate representation to all the different minorities?—It is certain to, on the cumulative vote.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Consistent with your idea of the size of a constituency, the best way of giving representation to minorities is to form such constituencies as you describe?—Yes.

*The Hon'ble Mr. Justice Din Muhammad.*—You know Chingleput?—I represented it for six years.

Q.—There will be 4 urban seats for minorities if we introduce multi-member constituencies. What minorities are there actually in Chingleput?—There are two minorities, one Mudaliar community and the other Reddi community.

Q.—They are both non-Brahmins?—Yes. If they work on caste basis, out of three constituencies, each of them must get a seat.

Q.—If there are single-member constituencies, do you think a Mudaliar would triumph over the others or swamp the poll?—It happened in Madurantakam. There are Reddis in Chingleput and Conjeeveram. There are Mudaliars, so that with single-member constituencies, I think most probably the same result would be brought about. On the basis of community, there won't be much difference, whether you take single member or multi-member constituencies.

*The Chairman.*—My difficulty is that it is introducing a new principle, the principle of sub-caste reservation?—I do not think it was ever put forward on that basis. The single-member system was really put forward from another point of view. After all, we are advancing in our franchise and at every election, owing to the literacy qualification, the numbers will grow and grow. Even with multi-member constituencies, the difficulties will become far too big very soon, and particularly after 10 years' time.

Q.—You would rather have single-member system on administrative grounds anyhow?—Yes.

*The Hon'ble Mr. Justice Din Muhammad.*—On the ground of convenience of both the candidate and the administration?—It may not tend to the convenience of the candidate but at the present moment, I do not see any strong objection to multi-member system.

*The Chairman.*—You would limit it to a couple of towns?—Eventually we must go in for single-member system when adult franchise comes.

Q.—An argument against multi-member constituencies is this :—the responsibility of the candidate is not so direct. He shares it with another man? I saw it in the House of Commons, in the case of the Dundee representatives. There was a Lady the Duchess of Atholl and a Liberal Member. Each called the other the Junior Member for Dundee and each held exactly opposite views.

Q.—That of course is not satisfactory.

*The Hon'ble Mr. Justice Din Muhammad.*—In a single member constituency is it not more likely that a candidate will have to canvass every caste than in the case of multi-member constituency, because in a multi-member constituency he may not even care for these minorities or castes which are different from his own caste but in a single-member constituency he has to go about canvassing each and every voter?—Yes, but in actual practice you will find that none can afford to do that. I will cite the case of the last Assembly elections. Of course, I failed to get elected. In Madras City there are 16,000 voters for the Assembly electorate. There were only 300 Anglo-Indians. Both of us, myself and Mr. Satyamurti, undertook to address meetings of the Anglo-Indians' Association.

Q.—Multi-member constituency?—No, single member.

Q.—In single-member constituency it is more likely that every candidate will go and canvass each and every voter than in the case of multi-member constituency?—To secure their support.

Q.—In the case of multi-member constituencies, he may not have any need to go about canvassing on such an extensive scale?—The other man will do it. After all, it comes to the same thing. Every one depends on his own community. The other man will get all sorts of other forces behind his back. As a matter of fact, in Guntur district, this was attempted. The Kammas thought they were so powerful and proud that they could return all three Kammas and none of the Reddi element but the Reddi element mobilised all other castes against the Kammas and they succeeded.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—I think some system should be devised by which people not in a majority can get some amount of representation?—That is why I am prepared to accept multi-member constituency with cumulative votes.

*Q.*—In Madras it is peculiar. In Northern India, the fight is between Hindus and Muslims. In Madras the Muslims are in a minority. So, the fight is between the Hindus themselves.

*The Chairman.*—In Madras the party system worked well.—So far we have maintained that.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—I want to put another aspect to you. A constitution like this must start with cordiality if it is to succeed eventually. Whatever you may propose the success must depend on cordial relations that exist among the communities concerned. Coming from Madras as I do, I feel that multi-member constituencies with cumulative voting will satisfy the Brahmin where he is in a minority. Let us take away that grievance from him. Even as a matter of policy it would be better?—I would even go further and say that the tendency has been during the last 4 or 5 years even among non-Brahmins to emphasise sub-communal feeling such as forward and backward communities. All that must disappear by the adoption of multi-member constituencies with cumulative voting.

*The Chairman.*—Some governments have been rather keen on single non-transferable vote which in a way is something like cumulative votes. I think those Governments are Bihar, the Central Provinces and Madras. They asked for it. We are inclined to the view that, if not in the letter, in the spirit, the use of the single non-transferable vote may run counter to the Poona Pact?—As a mathematician, if you permit me to say so, the effect of single non-transferable vote and cumulative vote is identical. The main ground on which the Madras Government are pressing for the single non-transferable vote is an administrative one.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—The mathematical result of both the systems may be identical. But the liberty of action given in cumulative voting may produce quite a different result. From that standpoint as well as observing the Poona Pact, much can be said against the single non-transferable vote?—In actual practice you will find under the system of cumulative voting, on account of the pressure brought to bear on the electors by the candidates as well as by the agents, there will be a certain number of electors who will be compelled to distribute their votes.

*Q.*—In the case of the Poona Pact, we must devise a system which does not go against the spirit of it?—I think that cumulative voting will be much more in keeping with it than the non-transferable vote.

*Q.*—If we give cumulative votes, the elector has got the option to distribute them.

*The Chairman.*—If it is a single non-transferable vote he cannot distribute. There is another view placed before us. The Harijans are given certain advantages, if they fulfil certain conditions. There must be a panel of four candidates. If all the four are elected, then the condition is fulfilled. If two only stand, then the pact is broken, the condition has not been fulfilled and so the remaining seats should remain vacant?—The central condition of the Poona Pact is that four candidates should be elected. The author of the Pact himself interpreted that it is not necessary that all the four should be elected.

*Q.*—Has he said so definitely? I have not seen it put down in black and white?—That was the impression he created. I think it will be intolerable that because only two are nominated, the seat should remain vacant.

*The Hon'ble Mr. Justice Din Muhammad?*—It may lead to the natural conclusion that the scheduled castes candidate may be elected unopposed.—The non-scheduled castes have that privilege, why not the scheduled castes?

*Q.*—Was the Poona Pact entered into in the interests of the caste Hindus?—Those who put forward this suggestion are fundamentally opposed to the Poona Pact. But at that time it was a case of a very influential gentleman making his life. Both among the caste Hindus and Harijans, the feeling is that it is good neither for the Hindus nor for the Harijans.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—If the criticism of some of the provinces is pushed to its logical conclusion, there must be more than four candidates in the primary election?—Is that the legal interpretation?

*The Chairman.*—Suppose in the election Harijan candidates top the list both for a non-reserved seat and the reserved seat. Then they get the reserved seat as well as the non-reserved seats. In two provinces, this was challenged, they said that there were two elections, one for the reserved seat and the other for the non-reserved seats. For the purpose of convenience, it was said, they are held on the same day?—Those two provinces must be other than Bombay and Madras. It has always been accepted that reservation is only an additional privilege, and it does not take away the ordinary right of a man to top the polls.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Reservation is for the benefit for the minority?—On that interpretation you should have seats reserved not only for the scheduled castes, but also for the non-scheduled castes.

*The Chairman.*—We have had that view put before us.

*The Hon'ble Mr. Justice Din Muhammad.*—What happens if an election petition succeeds?—It all depends on the allegations. They must go to the root of the election.

*Q.*—Can you imagine a case where one man goes out and the others stay? In Madras, they have got some seats allotted to non-Brahmins. Suppose in a constituency one seat is reserved for non-Brahmins and three Brahmins are elected to unreserved seats in the same constituency. The non-Brahmins election is challenged on the ground of some malpractices and he is removed, and bye-election is held. Will the non-Brahmin alone contest or the other three also?—It is only a non-Brahmin that has been returned from the electorate. There will be vacancy of a non-Brahmin. The non-Brahmin will be allowed to contest.

*Q.*—The Brahmins do not go out *ipso facto*?—In the case of scheduled castes for instance, the panel election is in the primary election.

*Q.*—After the final election has taken place if the scheduled caste candidate is removed, what would happen?—If it is a single-member vacancy, there will be a primary election and then a secondary election.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Suppose A, B, C, D along with E are candidates for the primary election. A, B, C and D contest the final election along with X and Y. In the final election, say, X and A are successful. What is meant by the illustration is that E complains that he lost the primary election on account of some irregularity. He challenges the final election of both X and A and says that if he had been allowed to contest he would have headed the poll. It would be open to A to say that he would have come second. The interests of candidates are so linked up that the whole election will have to be set aside?—At any rate, we are not judges to finally decide the question. Anything that we may do will be open to some kind of challenge in a court of law.

*Q.*—The Chairman is leading up to the next question.

*The Chairman.*—Is it possible and is it wise to devise some method dealing with disputes arising from primary election? After the primary election is finished, is it possible to have some summary procedure—I mean a speedy procedure—so that these petitions can be disposed of in a week or ten days? An enquiry can be held on the spot, evidence taken, summary evidence and a decision arrived at whether the election is good or bad, and whether another election is necessary?—After all is said and done, the primary election is not as important as the final election. It consists of four candidates for one vacancy. There cannot be serious trouble at the primary election.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—What is the best way of getting rid of these disputes after the primary election? What tribunal would you suggest?—I would not have the three-member tribunal. There should be one member, say, like the District Judge.

*The Hon'ble Mr. Justice Din Muhammad.*—Suppose the Collector is appointed to dispose of these petitions?—The Collector will be the returning officer.

*The Chairman.*—The Collector is not the returning officer?—I will not object to the Collector enquiring into the matter.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Why not a district Judge?—I have already mentioned it.

*Q.*—Would you prefer the Collector to the District Judge, only because the Collector would dispose of the petitions more expeditiously?—Yes.

*The Chairman.*—I regard the primary election as a substitute for nomination.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Suppose we make some civil judge exercise the duties of this tribunal in Madras. The difficulty will be very great. We want a speedy determination of the question. Would you suggest any method at all by which a judge accustomed to deal with civil matters may be empowered?—I would not suggest the subordinate judiciary in Madras for obvious reasons. Allegations would be made against them. Their position will become extremely awkward. I will not suggest corruption. More than that, political motives will be attributed to them.

*Q.*—I would personally prefer a District Judge. Will it be possible?—You cannot have control over the District Judge, because he has got the sessions to attend to.

I want to say a word about the representation for labour, commerce, landlords and universities. We had a great deal of difficulty in regard to them. There are two extreme points: One view is that we are going to have a democratic form of Government; therefore, there is no need for these special constituencies. This is the minority view. The other view, the majority view, is that the most democratic parliaments have felt that it is not feasible to have a pure democratic form of parliament based on franchise however low, but that some kind of functional representation should be associated to help the democratic people. We find that in Germany they have actually got a functional house apart from the democratic house. We are having for the first time a democratic form of Government in India, and so we should not run away with the idea that because pure democracy obtains in England we too should dispense with these functional representations. For these reasons I think the representation of landlords, commerce and university is justified. This is supposed to represent some functions. The point of view of these functions will be brought forward before the democratic house. If we are to admit this theory I would suggest functional representation in preference to lowering the franchise.

*The Chairman.*—Quality before Quantity?—If you go to Commerce in every presidency there is a chamber of commerce. A great many other chambers have come into being of late. I would like to say, without any disrespect to them, that some of them are mushroom growths. They are claiming representation. Why should we not recognise one chamber rather than another? I would very much like to have functional representation. In Indian commerce the idea has been developing during the last five years that the Indian commercial interests should have the same weight and the same status as European Chamber. With that view, some years ago, the federation of Indian commercial chambers was started. You know that there is a chamber of commerce for Europeans in every province, and there is an associated chamber of commerce. Exactly on that parallel the Indian commercial community wants to develop their organisation. In some provinces they have got their central chambers. On that structure they have built up the federated chamber. I have not got any personal interest in the question. But I am sufficiently interested in Indian commerce and feel that the central organisation of these commercial associations should be represented. I have been feeling that in Bombay why the Marwari Chamber of Commerce, the Gujarati Chamber of Commerce and so on become affiliated to the Indian Merchants Chamber. The Indian Merchants' Chamber themselves say "Let them become our members. Our membership is unlimited and extends over the whole of the province". I am prepared to go thus far. On the analogy of the European chambers, if these mofussil chambers become associated with the central chamber, I am prepared

to suggest that the franchise should be extended not only to the original members of the central chamber but also to the associated chambers.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—I agree with you on principle. Take the South Indian Chamber of Commerce with minor chambers affiliated to it. How is the electorate to be formed?—Members of all the affiliated chambers are members of the central chamber?—That is the model of the European chamber.

*Q.*—I think that each European chamber affiliated to the central chamber has a vote?—I do not think it is right. I think the individual members of the affiliated chamber are voters.

*Q.*—Nobody has distinct ideas. Absolutely chaotic rules have led to good results. We had before us Sir William Wright. He pointed out to us the various rules. He said each affiliated chamber has got one vote. Sir John Abercrombie said each affiliated body has one vote?—We may adopt the same principle for both the chambers.

*Q.*—That is to say, every member of the affiliated chamber?—Just as in the case of the European chambers.

*The Chairman.*—The Bengal Chamber of Commerce does not recognise the affiliated bodies? That recommendation was made on the assumption that European chambers have it.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—We got a categorical answer from Sir William Wright that each chamber has a vote?—Please find out from Mr. Boag.

*Q.*—There is an affiliated chamber of commerce. Two members of the affiliated chamber happen to be in the central body. They may cast two votes against one vote of the affiliated chamber as a body?—That will not happen, because, as we know, in every constituency there is a declaration to be signed that the person has not exercised his vote in the same constituency.

*Q.*—Suppose there is an affiliated chamber called A. It is represented by X. Two members of the affiliated chamber, called B and C, who are also members of the central body cast their votes in favour of one candidate. X casts his vote in favour of another candidate. There is nothing to prevent that happening; that would be quite consistent with the declaration he has made. That is what happens in the Madras Chamber of Commerce. They are never called upon to apply their minds to it.

*The Chairman.*—Dewan Bahadur, suppose you are a member of an affiliated body. Do not you think that it is possible to swell its membership for this purpose?—Personally, I am not in favour of it: that is the utmost extent to which I would be prepared to go, in order to keep up the importance of the central body. The present arrangement is the best and should continue—the Indian Merchants' Chamber alone should have representation, or, in the case of Madras, the South Indian Chamber of Commerce alone should have the right of representation.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—But the difficulty there is this: supposing the central body behaves in such a manner as not to give sufficient opportunity to the local bodies to make their influence felt, they would have a legitimate grievance?—Many of these chambers have now fallen on evil times. I can understand it in the case of European commerce—they are carrying on their business on proper lines.

*The Chairman.*—They never have an election.

*The Hon'ble Mr. Justice Din Muhammad.*—Do you think it would meet the case if we were to lay down the minimum qualifications and unless any member of an affiliated or the parent body fulfilled certain conditions, he would not be entitled to vote?—That would be creating *ad hoc* representation. I want institutional representation. I want the institutions to come forward.

*The Chairman.*—A member responsible to his constituency?—If you pick out a certain number and leave the rest, you deprive the whole body of the value of functional representation. That is my submission.

*Q.*—Can you apply this to labour? Talking of labour, I think it is really a difficult problem. There are two points of view. One point of view is, the more voters you get for labour, the better. To me, it seems that the important point is to get a really good expert as a member to represent labour. He may come from a very small constituency but it should be an efficient trade union. The member so elected must be one of its members, perhaps a voluntary worker, a man who has learnt his work. That is the man you want?—So far as Madras is concerned, my view is quite clear. I should like trade union representation to be encouraged. In Madras I feel there are only two sets of trade unions which can be really recognised. One is the textile unions, the other, railway unions. I suggest that each of these should have one representative, and that other labour should be classed into a special trade union, because there are no trade unions there.

*Q.*—That is for today. But our recommendations must necessarily be impermanent and liable to be changed when in course of time good, genuine trade unions are formed. We want some arrangement by which other labour can also be admitted to the labour constituency or by which all labour constituencies may be replaced by a trade union constituency?—If sufficient trade unions begin to function, you can make them into a trade union constituency, instead of an *ad hoc* constituency.

*The Hon'ble Mr. Justice Din Muhammad.*—Applying the same principle universally, do you not think it logical that the representative of the University should represent the administrative side of the University?—As regards that, I should like to say something. The point is very small, but it has assumed almost controversial importance in Madras—I do not know why. I feel very strongly that the University should be represented by its Senate and its academic councils, and not by registered graduates. The only reason which can be advanced in favour of registered graduates is that the Southborough Committee, in 1920, reversed the process of representation which was obtaining previously and decided against the Senate.

*The Chairman.*—Actually, the Southborough Committee recommended the Senate; but the Joint Select Committee in England reversed the process?—The analogy of the English constitution was quoted. In the first place, in England, as you know, the university representation is only nominal—there are only 12 members out of 650. Owing to political reasons, no party dared change the system. The labour party is asking for the abolition of it, as it is inconsistent with the whole scheme of representation that obtains there. You will find also that the special conditions laid down for university representation are in detail laid down by a Parliamentary statute—in the Parliamentary Act itself, not by rules. And they have a further condition there that the graduate must enrol himself as a member of the University by paying a certain fee. As I have said, the whole basis of this representation is functional representation. Therefore, the University should be represented from the point of view of higher education. What is the good of getting together 6,000 or 7,000—in course of time, 20,000—graduates, scattered all over the Presidency, and asking them to send up a member on behalf of the University? The Madras Government, since 1927, has been suggesting a change. It is not a new idea, — an idea put forward suddenly, an idea inspired by one or two of us. You will find this idea in the amendments to the University Act suggested by the Madras Government, in its report to the Simon Commission, in its criticism of the Simon Commission's Report in 1930, in its report to the Lothian Committee, and so on. The reason for that is this. We have the Madras University, the Annamalai University, and the Andhra University. At the time of amending Bills, at the present time, it is possible to nominate an expert member conversant with the subject dealt with in the legislature. As a matter of fact, there are instances where experts in this subject have before now been nominated on the Council when subjects pertaining to the University have come up before it. Dr. Macphail, Vice-Chancellor, was nominated on one occasion. You will find that there is no scope hereafter for such nomination, when important Bills come up,



at least in the Lower House. The Upper House does not count, because all important legislation will originate in the Lower House. There is all the more reason, therefore, that a member speaking authoritatively on behalf of the University should, in every province,—that is my suggestion,—be returned by the University. Of course, there is a special distinction in Madras. All our universities have been reorganised, and there is little of nomination. But even supposing there is a certain amount of nomination, I would not take it as a permanent factor. But the representation being of the University, it must be university representation, and the man must be returned by the Senate and the academic councils. He is there to put forward the university's point of view before the local legislature on a number of subjects relating to the University, which are likely to come before it under the new constitution.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—That is the point I want to know about. Will you kindly elaborate that further?—I will send a report; I have just noted the point.

*Q.*—Mr. K. V. Krishnaswamy Iyer put forward the view that graduates should have the vote, and not the Senate. In support of that, he stressed that the University is an autonomous body, and that its grant is settled by statute—excepting some small grant which it may get afterwards. Further, that questions relating to higher education come up, not before Government, but before the University. It is all a matter to be dealt with by the University. That is the argument, in short, put forward by Mr. Iyer before us?—The University is not so autonomous as all that. The Madras University was reorganised in 1922; and we had a Senate, an academic council and a council of affiliated colleges. The Senate said the council of affiliated colleges was a superfluous body and approached Government and asked it to abolish the council. An amending Bill came up before the Legislative Council, views for and against the proposal were expressed. It was said that the council of affiliated colleges was a very useful institution. Then Rev. Macphail on behalf of the Senate, put forward the Senate's point of view, and on the strength of the opposition feeling, the council of affiliated colleges was abolished; the amendment was carried. You will find that there is no question of the University's finance being merely statutory grants. In fact, you will find that the grant varies. The statutory grant is there; it is a fixed thing, below which you cannot go. But higher grants are always required by the University, and the necessary funds come from Government from year to year. The strongest criticism under the new constitution will be: why are you wasting money on higher education and starving elementary education? The ultimate result is likely to be that higher education will go to the wall unless there is a strong point of view in favour of it. The question will have to be settled by Government in consultation with the legislature; the argument for and against will have to be put forward. There are a number of ways in which at every stage Government and the legislature come into contact with each other so far as the administrative side of education is concerned.

*Q.*—Another argument put forward, so far as Madras is concerned is this: he says there are three different universities. What is the meaning of combining three senates for sending one member? The electorate of one university may be flooded, and the member may be returned with the support of that electorate. Now, which university is he going to represent in case of conflict? But if you want to regard university representation as functional representation, the question does not arise?—That is not so. The question of functional has to be looked at from the point of view of the function of a university. The function of every university is the same. It is really in relation to grants that they come into conflict with each other, not in technical subjects, which are the real functions of the universities. May I add that there are a certain number of members who are common to all the senates and academic councils? So a man who tries to favour only one university as against the others will have short shift.

*The Chairman.*—Is it not a fact that it was contemplated to have a central federal board of educational experts?—Yes; at the Round Table Conference.

*Q.*—And in your view, a member selected by the University might be a very suitable person to represent his province on that board—but it would be functional entirely?—Yes.

*Q.*—I do not suppose you have such instances as my colleague will be able to quote in the Punjab, in which a member representing the University actually voted against the recommendations made by the University?—I can give you any number of such instances. Take the report of the Provincial Committee. That report makes a reference to this question.

*The Hon'ble Mr. Justice Din Muhammad.*—Mr. Boag pointed out an instance where a member for the University actually came into clash with the University itself in regard to a Bill supported by the University?—There were two occasions where the view of the Senate went contrary to the view of the registered graduates. It is an intricate question.

*The Chairman.*—It is a big question. The difficulty we are feeling is this: there are different proposals from one or two provinces. In the Central Provinces, for instance, they would rather do without any representation if they did not have it through the Senate. Except there, the question has not been raised from this point of view?—With due apologies to the many provincial Delimitation Committees, I would point out one thing. The registered graduates have been admitted. They get representation. Now the question is whether that representation should be increased or decreased—three years' standing or seven years' standing. I suggest that this is not a question of counting years. It is a functional representation everywhere.

*The Hon'ble Mr. Justice Din Muhammad.*—Some of the provinces admitted that they had not applied their minds to this question?—We have been thinking about it for seven years.

*Q.*—Now that the graduates are enfranchised as such, I do not think it will work to the disadvantage of the graduates.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—If you say, for instance, that in Bombay registered graduates must be the electorate and must exercise the franchise, it would be invidious to say that in Madras it should be the Senate. We must think of a formula?—I have combined the senate and the academic council. I am not in favour of the senate alone.

*The Chairman.*—Thank you very much, Dewan Bahadur. If you will send a written memorandum, it will be very useful to us. We cannot work out a common denominator unless we know the different points of view.

## II.—QUESTION OF URBAN AND RURAL REPRESENTATION (PUNJAB).

### 2. Memorandum, dated the 3rd October 1935, submitted by Pandit Nanak Chand, M.A., M.L.C., Bar.-at-Law.

#### I

I gave evidence before the Delimitation Committee on October 3rd 1935 with Mr. Brij Lal. A number of questions were put to us in regard to the framing of the constituencies on rural and urban basis, and also in regard to its effect on the representation of agricultural tribes and non-agricultural tribes in the Punjab Legislative Assembly. It is, therefore, essential that this point may be elucidated and cleared up. I am, therefore, submitting this supplementary memorandum.

1. In the Punjab there is a division of the population into agricultural tribes and non-agricultural tribes under the Punjab Alienation Act. It has already been pointed out that this division is based on castes and tribes and not on occupation. Certain tribes (Muslims, Hindus and Sikhs) have been notified as agricultural tribes under the Act. The other tribes, not so notified, are termed non-agricultural tribes. A person may change his religion, but his tribe or caste sticks till death. He remains a member of the agricultural tribe, if he is born in that tribe; he may or may not pursue agricultural pursuits or he may or may not own agricultural land. Similarly

a member of the non-agricultural tribe, once born in a particular caste, remains uptill his death a non-agriculturist, even though his pursuit may be agricultural or he may be an owner of land, or both. The population of agriculturists and non-agriculturists is about half and half.

(b) The members of the agricultural tribes are enjoying certain privileges based on birth, which affect the question of delimitation of constituencies very materially.

(c) The question is not really communal, but there is a certain communal side to it inasmuch as amongst the Muhammadans, the castes or tribes notified as agricultural tribes are over 60 per cent. Non-agriculturists less than 40 per cent. Amongst the Sikhs there exists the same ratio. But amongst the Hindus, there is a marked disparity. About 75 per cent. are members of non-agricultural tribes; while the privileged castes or tribes are only 25 per cent.

2. The recommendations made by the Provincial Franchise Committee (which is over-weighted with the members of the agricultural tribes) and of the Punjab Government, which consists of three members of agricultural tribes and only one member of non-agricultural tribes, are detrimental to the interests of the members of non-agricultural tribes as a whole; but the Punjab Hindus are specially hard hit.

(b) The division of constituencies into rural and urban, is artificial, far fetched and unnatural. Only areas with large populations of about one hundred thousands or above could, in the real sense of the word, be declared to be urban. Such large areas are not more than four or five in number. Lahore, Amritsar, Rawalpindi, Multan and possibly one more, may be declared to be urban area for the purposes of representation in the Punjab Assembly. This means reduction in the number of the so-called urban seats. They may be reduced from eight to possibly three or four but the Hindus do not mind this reduction and are prepared to accept this reduction, because the constituencies should be formed on a natural, and territorial basis and not on the artificial basis employed by the Punjab Provincial Committee or the Government.

3. If areas with a population of 7,500 and above are declared to be urban and cut off from their proper place, and are tacked on promiscuously to form urban constituencies as proposed, then it means that the more intelligent and more influential members of non-agricultural tribes, living in these areas, now turned urban, will not be able to take their proper share and part in the elections of their districts or sub-divisions—such as Tehsils, etc. It stands neither to reason nor to justice that the district towns and the Tehsil towns of a particular district may be taken from the territorial constituencies of that district and should be grouped along with the district and tehsil towns of four or five other districts and a large constituency be formed for the purposes of election. The constituency thus formed could not be based on natural division. There could be no community of interest between men living in areas widely apart.

(b) The necessary result of this is to weaken the members of the non-agricultural tribes, who already do not find sufficient representation on the electoral roll in proportion to their population.

(c) Influential areas, now turned urban, thus cut off from their natural place will not be able to influence their brethren living in the so called rural areas on account of this artificial and unnatural division. Non-agricultural tribes living in these so called rural areas would merely be at the mercy of the powerful proprietary bodies consisting of members of agricultural tribes. Their position, already very weak, will become still weaker and they will be totally at the mercy of the members of the agricultural tribes. The natural contact between the members of the non-agricultural tribes, living in so called urban areas and rural areas, which exists at present, will be entirely broken. The life of the district and tehsil towns for the purposes of elections will not be in accordance with the existing conditions.

4. It may be well argued that it is possible that instead of eight urban members, the non-agriculturists may not be able to get a similar representation, if only four or five towns are declared to be urban and others are framed into natural territorial

constituencies ; but we are prepared to accept this change with all its advantages and disadvantages. The proposal, made by us, is most natural, fair and in accordance with the every-day life of the communities living in the various district and tehsil towns, where community of interest is the strongest binding factor ; which is sought to be cut as under thus ruthlessly and without any justification whatsoever.

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5. It has already been made clear that non-agriculturist voters will be able to influence the agricultural candidates and thus soften their hostility towards communities which have been described as non-agriculturists and who are likely to be under-represented both on the electoral roll and in the Punjab Assembly by their own members. The crux of the problem lie in so arranging matters that if there cannot be an equal representation of the agricultural and non-agricultural tribes in accordance with their population in the Punjab Assembly, there should at least be a fair chance given to the members of the non-agricultural tribes to influence the attitude of their agriculturist brethren by their votes at the election time.

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*Summary.*—It is, therefore, submitted respectfully that leaving aside four or five big towns of a population of about a lakh or above, the other constituencies may be framed on their natural basis, district or tehsil wise, without splitting them up into so called rural and urban tracts. If in this process the so called urban seats are reduced, the Hindus of non-agricultural tribes are fully prepared to abide by the consequences. Amongst the Muhammadans also there is now a movement to seek for more representation for their non-agricultural tribes population. The Sikhs have also asserted their rights to it ; but whether these two communities accept this proposal or not, there is no reason why the Hindu non-agricultural tribes, which form the bulk of the Hindu population, should be treated in an unfair and unjust way.

## II

*Note by Dewan Bahadur Raja Narendra Nath, M.L.C.*

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The Punjab has a total population of 23,580,852 of which the Hindus (including Depressed classes, Jains, Buddhists and Zorastrians) are 6,769,287. There are separate communal electorates for territorial constituencies of which 86 are reserved for Muhammadans, 32 for Sikhs and 43 for those classes as general, viz., Hindus, Jains, Buddhists, Zorastrians and Depressed classes. There are ten seats for special interests, for which the electorates are joint, namely University (1), Commerce (1), Labour (3), Land-holders (4), Tummandars (1). In the constituencies for big landholders there is none in which the Hindu voters predominate. As long as there are separate electorates for 165 territorial constituencies, it is probable that election even in special constituencies will proceed on communal lines. Assuming that the Hindus secure their return from one out of 4 Landlord constituencies, from University and one out of the three labour constituencies, the total number of the Hindus returned will be 46. Their proportion in the Population is 28.7 per cent. Their proportion in the Council will be 26.2 which is less than their proportion in the population. As far as the communal allotment of seats goes, no change is possible. These have been fixed by the Communal decision of the Premier and have to be accepted, however, unfair the allotment may be to the Hindus. No change should be made in the representation of special interests which may still further reduce Hindu representation. From this point of view I have no criticism to offer on the proposals of the Punjab Government.

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The second peculiar feature of the Punjab elections for the Provincial Assembly is the discrimination between Urban and Rural representation. A somewhat lengthy preface is needed in order to acquaint the committee with the special political conditions, which are inseparable from this distinction in the Punjab. There is some conflict of interests between urban and rural classes everywhere, but in the Punjab the tension is very acute. There is mutual rivalry and jealousy on a scale and of an intensity to be found nowhere else. We have in the Punjab an Act called the Punjab Land Alienation Act which is not a purely protection law

It is discriminative in its policy of protection. In each district there are certain tribes notified as agricultural tribes. A member of an agricultural tribe can sell his land to a member of another agricultural tribe in the district. But he cannot do so to a person who is not a member of the agricultural tribe without the sanction of the head of the District, *viz.*, the Deputy Commissioner. The greatest scrutiny, is now exercised over the sanction thus given. The peasant, therefore, enjoys no protection against wealthier members of his own class. \* \* \* During the last 35 years that the Act has been in operation, education has much advanced amongst agricultural tribes. We find them occupying important position in all professions and walks of life. They have risen to be Judges of the High Court, and members of the Executive Council both Provincial and Imperial. In the Provincial Cabinet they predominate as they will always do as long as they have majority in the Council and as long as votes depend on ownership of property and other important rights are acquired by the display of caste label. It is indeed anomalous that whilst some members of the agricultural tribes are credited with talent and capacity sufficient to enable them to discharge the duties of a Judge of the highest tribunal in the land and of members of Executive Council, both Imperial and Provincial, they at once play the role of a minor or a Hindu widow in matters in which their ownership of land is concerned. They value and enjoy the status as it carries with it the preferential right of purchasing land.

Over and above this we have a resolution of the Punjab Government passed in 1919 under which a policy was laid down of giving preferential right of entry into service to agriculturists in all departments of service in proportions varying from 50 to 90 per cent. The bitterness of feelings which this discriminative policy creates between agriculturists and non-agriculturists in the Punjab can be better imagined than described.

The Government estimate of the population of agricultural tribes is about 10 millions, which they think constitute half the population of the province. I give below an extract from the memorandum prepared by local Government for the Statutory Commission (*vide* page 9, paragraph 26):—

"But what is more important for the purpose of current politics is that there is a strong common need in the existence of the privileged position of protection from the alienation of their land to non-gazetted tribes. The census returns do not tell us clearly what is the population of the agricultural tribes, but it has been estimated at something like ten millions or half the population of the province".

But in the present council there is an overwhelming majority of members belonging to agricultural tribes, out of 81 non-official members 54 or 66·6 per cent. belonging to agricultural tribes. This majority is naturally reflected in the composition of the present Provincial Cabinet. Out of 4 Indians 3 belong to agricultural tribes. This majority will continue unless the Delimitation Committee recommends the adoption of measures which will secure a better and more commensurate representation of non-agriculturists.

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The number of non-agricultural voters under the new franchise in the provisional electoral roll of the province is not given anywhere and is not ascertainable by me. Does it come to anywhere near their proportion in the population (a) in the whole population of the Punjab, and (b) in the Hindu or general population? Is the representation of non-agriculturists in the future Provincial Assembly ensued to anything like their proportion in the (a) Hindu and (b) general population? I am unable to make any specific proposals to remove disparity, if there is any, as the figures showing the voting strength of this class are not known, but I invite attention to the remarks of the Lothian Committee. Am I to expect that out of 46 Hindu members at least 62·3 per cent. if not more will be non-agriculturists and that in the Council as a whole 50 per cent. non-agriculturists will come?

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I have carefully gone through the Minute of Dissent recorded by R. B. Chhotu Ram the Leader of Agriculturist party in the local Council. This note of mine

presents the other side of the picture. As long as the agricultural tribes which are not more than half the population enjoy privileges which I have described in this note and have also enormous weightage in representation, there is no reason to grudge small weightage to the urban population. Rural population should be divided under two heads, agricultural tribes and non-agricultural tribes. There is no love lost between the two. As long as votes depend on ownership of property which in rural areas is mostly land, it is difficult to secure adequate representation for non-agricultural tribes, whose strength on the admission of local Government is not less than half. I may also note, that as far as my general information goes, the Ambala division has the largest population of agricultural tribes.

In the Punjab, I fear we will have the rule of the agricultural tribes, bourgeoisie i.e., agricultural middle class by no means representing the rural masses.

The preponderance of agriculturist members is likely to lead to economic changes of a subversive character. We have now before us a non-official bill for the relief of indebtedness introduced by the leader of the agriculturist party who was not satisfied with the relief which a Government bill passed in the year for the same purpose gave. I do not know, what will be the fate of this non-official bill, but if owing to the presence of the official members some modifications are made, we are bound to have another bill in the next Council which will remove all the improvements which the official members may make in the present Council. I am not sure, whether the Governor would be prepared to intervene in all cases in which the economic interests of a minority community are assailed. The present non-official bill seeks to introduce changes which the agriculturists owing to opposition of the official members failed to introduce in the official bill. Unless, therefore, the non-agriculturist representation in the Council is in some way or the other substantially increased, we will have an economic cataclysm in the Province. We will have something like the Russian Soviet in the Punjab, the only difference being that this Soviet will represent the privileged agricultural middle class consisting of certain selected castes, and not of the wage-earners or manual workers as in Russia.

### 3. Memorandum submitted by Rao Bahadur Choudhari Chhotu Ram, M.L.C.

#### *Delimitation of constituencies in the Punjab.*

India is a vast continent, and although common government and common laws have helped to develop in her a sense of political individuality and political unity the past history of her various component parts has been so different that each province differs from the other almost as much as one European country from another in many essential problems. For instance, the social problems of the Punjab are entirely different from those of, say, Madras and Bengal. Similarly, while the political and economic problems of India as a whole must necessarily be the same in their international aspect, each province will, in the provincial sphere, present certain political and economic features which are peculiar to itself. The Brahmin and non-Brahmin controversy in Madras and the Mahratta and non-Mahratta controversy in Bombay have no counterpart in the Punjab. Again, the problem of land-lord and tenant which occupies a position of such overwhelming importance in Bengal, Bihar, Oudh and the major portion of Agra is practically non-existent in the Punjab. Under the circumstances, it would not be amiss if I prefaced my note on delimitation proper with some observations relating to certain outstanding features which distinguish the Punjab from the rest of India.

The Punjab is essentially and pre-eminently a land of peasant proprietors. The number of land-owners in the Punjab is between three and four millions, and the average size of a holding is about six or seven acres. A glance at the electoral roll of "Landholders" will show that (excluding assignees of land-revenue who may be quite small owners of land or may not own any land at all) the number of land-owners who pay Rs. 500 or more in land revenue is no more than 3,109.

There are certain hereditary land-owning classes which depend exclusively or chiefly on land for their livelihood. During the last quarter of the nineteenth century there was a rapid process of expropriation of these classes at the hands of money-lending classes. To stop this process a measure known as the Punjab Alienation of Land Act was passed in 1900 and came into force in 1901. These classes were notified as agricultural classes under this law and have come to be known as "Statutory Agricultural Tribes". In order to save them from the consequences of their ignorance and poverty this law placed certain restrictions on the right of these classes to dispose of their land as they like and also exempted it from sale or alienation for more than twenty years in the execution of decrees.

The ownership of land is so indissolubly associated with these classes in their own minds as well as in the minds of the rest of the population that a Jat or a Rajput, for instance, will, when asked, as a party or as a witness, in a court of law to give his caste will say as often as not that he is a 'zamindar'—literally owner of land—even though he may not, in fact, own a single inch of land. The explanation of this is that it is very seldom that a Jat or a Rajput in the Punjab does not own land. On the other hand, a Mahajan or a Khatri or an Arora will ordinarily never call himself a zamindar although he may own thousands of acres of land. The result is that the word "zamindar" has an essentially different meaning in the Punjab from the meaning which it bears in any other part of India except the North-West Frontier Province and the major portion of Rajputana.

Apart from these classes there are certain other classes considerable sections of which own land but follow the profession of agriculture either alternately or in combination with some other profession or professions. These classes may be called non-statutory agricultural classes.

There are yet other classes which do not own land, but are, like statutory agriculturists, dependent solely or principally on agriculture for their livelihood and, thus, fall under the category of agriculturists in the full sense of the word. These classes are known as village menials or menial classes. Most of them belong to what are known as "Scheduled Castes" under the terminology adopted by the new Government of India Act.

Practically all over the economic field the interests of the three classes mentioned above are identical. As debtors, as producers of raw materials, as consumers of manufactured articles, and as victims of numerous fraudulent practices on the part of shop-keepers and middle-men they suffer equally grievously from age-long exploitation.

These three classes reside mostly in rural areas which, in consequence of the policy followed by Government in the past, have remained in the cold shade of neglect. Education, medical relief, sanitation and communications have been sadly neglected and the taxes realised from agricultural classes have been lavishly spent for the benefit of urban classes with the result that the standards of intelligence, health, comfort and prosperity in rural and urban areas exhibit a marked and saddening disparity.

As distinguished from these neglected and exploited classes there are certain other classes which took the fullest possible advantage of the peace and security which came in the wake of British rule and of all the beneficent activities which British Government initiated from time to time. By and by these classes became economically and politically supreme. They monopolised trade, commerce, business, industry, and money-lending. By their superior education they were also enabled to establish a more or less complete sway over the various public services. This gave them tremendous power and prestige which were used by them to promote their interests in all directions. They also established a well-equipped and well-managed press which added a powerful weapon to their armoury. This weapon they have consistently used with consummate skill to keep Government in unwholesome fear of themselves.

The statutory agricultural tribes of the Punjab are also the martial classes of India, and while indebtedness has been their notorious heritage from times immemorial their position as proprietary bodies in the country side and their role as protectors of the moneyed and commercial classes in troubled times had, in pre-British days, not only enabled them to hold their head erect but also to maintain and assert their claim of political superiority. The *Pax Britannica*, however, changed the whole situation inasmuch as the business and trading community threatened to impose both an economic and a political thralldom on the remaining section of the community.

The statutory agricultural classes began to smart under the yoke of economic serfdom. Their self-respect had always stood high. The gradual diffusion of education gave them their chance, and while their services during the Great War awakened Government afresh to their importance, the consciousness that their sacrifices had played a very conspicuous part in securing the Montford Reforms inspired new hopes and aspirations in them. The first reformed Council gave them an opportunity of feeling their feet and taking their bearings, while the second enabled them definitely to come forward not as a sectarian and narrow-minded group but as champions of all the backward classes and backward areas which advanced classes had hitherto exploited for their exclusive benefit and aggrandisement.

The situation which the march of events had created in the shape of distressingly uneven intellectual, political and economic progress in the ranks of the aforesaid three classes of the population mostly residing in rural areas on the one hand, and of the money-lending, trading, shop-keeping and business classes mostly residing in urban areas on the other, has given rise to the controversy which is known in the Punjab as the zamindar and non-zamindar or Rural and Urban problem. This conflict of interests or line of cleavage which marks a new and natural alignment of political thought and action has, in common parlance, come to be described as the zamindar and non-zamindar or Rural and Urban controversy more on grounds of convenience than of logic and precision. Otherwise this alignment takes no account of any distinctions of caste, occupation, religion or residence. It takes account only of the mentality and outlook of those who array themselves on one side or the other. It is, in fact, a struggle between the protagonists of those who have and those who have not, of those who exploit and those who are exploited, of those who have vested interests to guard and those who have lost rights to regain or legitimate rights to acquire. That the fight is one between "haves" and "have-nots" will be amply proved by the fact that Urban and non-zamindar Muslims who, as a class, are still among the backward and exploited and not among the exploiters, freely range themselves, on the side of 'have-nots'.

I greatly regret that I have been rather long and even guilty of repetition in my prefatory remarks. My anxiety to expound the real position of Punjab politics as clearly as I can is my only excuse for the length of these remarks.

Now I proceed to discuss delimitation proper.

The future Legislative Assembly of the Punjab will consist of 175 members. Of these one will be a European, one an Anglo-Indian, and two Indian Christians. One seat has been allotted to the University, one to Commerce and Industry, and three have been allotted to Labour. The Tumandars of Dera Ghazi Khan have been assigned one seat. Four seats have been set apart for Landholders who pay an annual land revenue of Rs. 500 or upwards or are assignees of land revenue of a similar amount. These seats are, in form, non-communal and will be filled on the basis of joint election though the constituencies have been so devised that two will, almost inevitably, go to Muslims, unless a very large proportion of them decide deliberately to return a non-Muslim and the remaining two will, in all probability, go one each to Hindus and Sikhs.

This leaves 161 seats to be divided among Muslims, Hindus and Sikhs as such. Of these 86 have been allotted to Muslims, 43 to Hindus and 32 to Sikhs.

A further division of constituencies into Rural and Urban operates side by side with the communal division. All places with a population of 7,500 or more, all first



class municipalities, all headquarters of districts and all civil lines and cantonment areas fall within the category of Urban, the rest being classed as Rural.

The distribution of seats between urban and rural areas has been a subject of sore controversy and requires careful consideration. For this purpose either population or voting strength or both combined may be taken as the determining factor of representation. In the Punjab a formula is already in operation to determine the measure of communal representation in local bodies. This formula is to calculate communal shares on the combined basis of population and voting strength. It is a good working formula and may be applied in the present case also.

\* \* \* \* \*

So far as the internal distribution of urban and rural seats in the three principal communities is concerned it is detailed below —

The total urban and rural Muslim population is 13,302,991 or 13,303,000 in round numbers. The urban Muslim population is 1,424,931 or 1,425,000 in round numbers.

$$\begin{array}{r} \text{Thus the share of urban Muslims on the basis of population is } \frac{1,425,000 \times 86}{13,303,000} = \\ \frac{122,550,000}{13,303,000} = 9.2 \text{ seats.} \end{array}$$

$$\begin{array}{r} \text{The total voting strength of Muslims both urban and rural areas is 1,292,842} \\ \text{or 1,293,000 in round numbers. The voting strength of urban Muslims is 153,761,} \\ \text{or 154,000 in round numbers. Thus the share of urban Muslims on the basis of} \\ \text{voting strength is } \frac{154,000 \times 86}{1,293,000} = \frac{13,244,000}{1,293,000} = 10.2 \text{ seats.} \end{array}$$

$$\begin{array}{r} \text{The share of urban Muslims on the combined basis of population and voting} \\ \text{strength will, thus, be } \frac{9.2 + 10.2}{2} = \frac{19.4}{2} = 9.7, \text{ that is, 10 seats.} \end{array}$$

The share allotted to urban Muslims under the tentative proposals of Government is also 10 seats as against 76 allotted to rural Muslims, that is 11.6 per cent. of the total. It is also to be borne in mind that out of 3 Labour seats 2 will, for sure, go to Muslims and will fall to the share of urban Muslims. As against this, 3 Landholders' seats including one of Tumandars will go to rural Muslims. This will give urban Muslims 12 out of 91 seats, that is slightly over 13 per cent. while their population is approximately 11 per cent.

$$\begin{array}{r} \text{The total population of Sikhs both in urban and rural areas is 3,064,144 or} \\ \text{3,064,000 in round numbers. The population of urban Sikhs is 178,150 or 178,000} \\ \text{in round numbers. The share of urban Sikhs on the basis of population is thus} \\ \frac{178,000 \times 32}{3,064,000} = \frac{5,696,000}{3,064,000} = 1.8 \text{ seats.} \end{array}$$

$$\begin{array}{r} \text{The total voting strength of Sikhs both urban and rural area is 483,675 or} \\ \text{484,000 in round numbers while the voting strength of urban Sikhs is 27,318 or 27,000} \\ \text{in round numbers. Thus the share of urban Sikhs on the basis of voting strength is} \\ \frac{27,000 \times 32}{484,000} = \frac{864,000}{484,000} = 1.8 \text{ seats.} \end{array}$$

It is apparent from the above calculation that urban Sikhs are entitled to the same measure of representation on either basis. They have been allotted practically 3 seats, that is, 9.4 per cent. of the whole Sikh share.

One of the Landholders' seats is also bound to go to rural Sikhs. This means that rural Sikhs will be compensated *pro tanto* for the weightage allowed to urban Sikhs in the share which has been allotted to the Sikh community on a communal basis.

Coming to the Hindu community, the rural section of it will be found to have been treated by Government in its proposals in a very step-motherly fashion. The Hindu population is as follows :—

Urban.	Rural.	Total.
914,000	4,415,000	5,329,000

The voting strength of the Hindu community is detailed below :—

Urban.	Rural.	Total.
150,498	537,316	687,814

For purposes of calculation these figures may be taken as follows :—

Urban.	Rural.	Total.
150,000	537,000	688,000

The seats allotted to the general Hindu community are 35--

(i) Men .. .. .	34
(ii) Women .. .. .	1
	$914,000 \times 35$
	31,990,000

On the basis of population urban Hindus are entitled to  $\frac{150,000 \times 35}{5,329,000} = \frac{31,990,000}{5,329,000}$

= 6 seats.

On the basis of voting strength urban Hindus are entitled to  $\frac{150,000 \times 35}{688,000} =$

5,250,000

688,000

= 7.6 seats.

On the combined basis of population and voting strength urban Hindus are entitled to  $\frac{6 + 7.6}{2} = \frac{13.6}{2} = 6.8$  seats. The fraction being more than a half

the share of urban Hindus may be put at 7 seats. Urban Hindus have been actually allotted 9 seats, that is, 25.7 per cent. of the Hindu share.

But these 9 seats do not exhaust the share which will go to urban Hindus. The University seat, being an essentially urban seat and the voting strength of urban Hindus in the University constituency being so overwhelmingly large, is bound to go to them. One of the special Labour seats, namely, the one allotted to the seventeen predominately non-Muslim districts will also go to them. The Commerce and Industry seat will, in all probability, also fall to their share. These three seats raise the definitely urban Hindu share to 34.2 per cent.

Urban Hindus are also in a position to make very serious inroads on a sphere which is essentially and specifically rural. Nobody can blame them for this. In fact, they deserve to be complimented upon their ability to do so. One of the five landholders' seats will, as already suggested, fall to the share of Hindus, and although the introduction of a joint electorate in the case of Landholders has made a difference which cannot be ignored, this seat will, in all probability, go to an urban Hindu. At the last four elections this seat has gone consistently to an urban Hindu, and always without opposition. The reason is that among big Hindu Landholders there is a distinct preponderance of commercial class Hindus who filched the land belonging to agriculturists during the years which preceded the passing of the Punjab Alienation of Land Act. If this were all, the mischief would be limited. But even in the rural constituencies, strictly so called, urban Hindus will be able to capture from 40 to 50 per cent. seats. In fact, all the rural seats, barring most of those in the Ambala Division and the Kangra, Hoshiarpur and Gurdaspur districts, will go to urban Hindus. That constituencies

Nos. 140, 141, 142, 143, 144, 146, 147, 148 and 149 will be captured by urban Hindus is a dead certainty. That constituency No. 135 will also be captured by urban Hindus is a practical certainty, and that one seat in the Ambala Division may also go to urban Hindus should be conceded on the basis of past experience.

\*            \*            \*            \*            \*            \*            \*

This means that hitherto urban Hindus have been capturing from 6 to 8 seats out of 13 rural seats including that for Landholders, and it can be presumed without much difficulty that they will continue to help themselves to a very substantial proportion of rural seats in the future.

The reasons for this seemingly strange result are that—

- (a) in the north-west and south-west Punjab the most usual type of Hindu to be found is the money-lender, shop-keeper or middle-man;
- (b) in the central district class consciousness is weak, and is counteracted by the money-lenders' influence, by the presence of a strong element of commercial class Hindus owning large areas of land, and by the existence of a strong current of communal feeling.

However, whatever the exact and complete reasons, there can be little doubt about the accuracy of the forecast attempted above.

The nett result of the whole foregoing discussion is that out of a total of 35 urban Hindus will be able to capture a maximum of 25 and a minimum of 22 seats, that is to say, from 62·8 to 71·4 per cent. of the total Hindu share. Thus while there was every reason to allow some weightage to rural Hindus there was absolutely no valid ground for allowing any weightage to urban Hindus in the distribution of purely communal seats.

\*            \*            \*            \*            \*            \*            \*

Before I conclude I may also be allowed to deal with the bogey of statutory agricultural tribes so frequently raised by urban Hindus. This is really a clever move to cloud the real issue and divert attention from it. [The real issue in the Punjab, put in a nutshell, is—how to put a stop to the ruthless exploitation, social, economic and political, to which the money-lending, shop-keeping and trading classes of the Punjab have been subjecting the rest of the population for generations. It would pay these classes if the attention of the general population were, by some plausible device, prevented from being focussed on this issue. Hence the bogey of statutory agricultural tribes which have hitherto been fighting single-handed in the interests of all the exploited and disinherited classes of the Punjab.]

The immense extension of the franchise for which the representatives of statutory agricultural tribes pressed and of which the representatives of urban Hindus fought shy has taken such wind as there was out of the sails of the inventors of this bogey. The reservation of eight seats for scheduled castes—which, by the way, urban Hindus detest—completed the process. The total strength of voters in the Punjab is 2,583,638. The total population of the Punjab is slightly over 23·5 millions. This means that roughly 11 per cent. of the population has been enfranchised. The total rural population in round numbers is 20,900,000 while the total voting strength in rural areas in round numbers is 2,239,000. This means that roughly 10·6 per cent. of the rural population can now exercise the right of vote. The voting strength of even the scheduled castes in rural areas is 97,334 while their population is roughly 1,296,585. Thus roughly 7·5 per cent. of their population have been given the right of vote. As the payment of income-tax or professional tax, ownership of immovable property of Rs. 2,000 or over a fairly low standard of education, and the possession of a tenant's holding have been recognised as qualifications for a vote the percentage in the case of classes other than scheduled castes and statutory agriculturists must be considerably higher. Where is the grouse?

Lastly, the controversy of zemindar and non-zemindar, statutory agriculturists and other agriculturists or agriculturists and non-agriculturists has absolutely no bearing on the question of distribution of seats or delimitation of constituencies. The only distinction recognised under the rules is that of urban and rural areas or seats, and as the "residential qualifications" for candidates was abolished in 1923 and anybody, without distinction of caste, calling or residence, can stand from any constituency of either description (except in the case of scheduled caste constituencies), this false cry has no meaning whatsoever and can deceive no thinking person. However, probably it is not meant for thinking persons, at all, but only for those who can be easily duped.

#### 4. Memorandum, dated the 20th September 1935, submitted by the Anjuman-i-Islamia, Punjab, Lahore.

I am directed by the Anjuman-i-Islamia, Punjab, Lahore, to send the following representation for the favourable consideration of the Delimitation Committee.

The Anjuman-i-Islamia, Punjab, Lahore, is of the considered opinion that the proposed constitution of the constituency for the urban areas is open to serious objections. The strength of the population of an area to be included into an urban area is placed too high : *it should be limited to a population of 5,000*

The urban areas should be so constituted as to have the contiguous areas included into it. The contiguous areas of a town have all the characteristics of an urban area and it is unreasonable to include them into a rural area. The Muslim urbans have been granted much less seats than they are entitled to on the strength of their population. While the general urbans (non-Muslims) have been allotted a weightage which has been denied to the Muslim urbans. The Muslim urbans are entitled to 12 seats even if no weightage is granted to them.

Some Muslim rural constituencies have been granted seats in excess of their population and voting strength, and these seats can easily be transferred to Muslim urban constituencies, for example, the Muslim rural of Amritsar District have been granted 3 seats, while on the strength of their population and voting they are entitled to two seats only. Similarly one seat can easily be taken from the Muslim rural Dera Ghazi Khan (Multan Division) and given to Muslim urbans.

The Anjuman proposes that the constituency consisting of Lahore, Amritsar, Gurdaspur, Kangra, Hoshiarpur, Jullundur, Ferozepore and Sheikhpura Municipalities and Cantonment Boards can be conveniently split up into two as follows :—

(1) Dharamsala, Hoshiarpur, Urmartanda, Jullundur, Kartarpur, Nekodar, Ferozepore, Moga, Mukhtasar, Fazilka, Abohar, Chunian, Jullundur Cantonment, Ferozepore Cantonment, Dharamsala Cantonment and Jalalabad can be one constituency while (2) Kasur, Patti, Mandi Pattoki, Jandiala, Tarantaran, Gurdaspur, Batala, Pathankot, Dalhousie, Baloon, Baklo, Sheikhpura and Nankana Sahib can be another constituency. Similarly Multan Division urban areas can be easily split up into two. Gujrat, Jalalpur, Shahiwal, Khushab, Bhera, Sargodha, Jhelum, Pind Dadan Khan, Chakwal, Jhang, Chiniot can form one constituency while Rawalpindi, Murree, Campbellpur, Hazro, Pindi Gheb, Mianwali, Isa Khel, Kala Bagh, Rawalpindi Cantonment, Murree Cantonment, Campbellpur Cantonment, Attock, Dera Ghazi Khan, Jampur can be another constituency. There will, no doubt, be some disparity in the population of these constituencies but such disparities are bound to occur and they do not count in the exigencies of the case and they do exist in the present proposed constitution of the rural constituencies, for example, the rural Muslims of Rohtak and Hissar do present a disparity. Similarly in the Sikh urbans one seat has been allotted to a population of 88,000 while in rural areas Sikhs have been allotted one seat for a population of 62,000. Similarly among general urban seats there exists disparities.

So far as women are concerned, both the seats should be given to the Municipality and Cantonment of Lahore and the Bhagwanpura-cum-Bhogiwal Municipality. It is a new experiment and it would be practically impossible for a woman candidate to canvass 38,000 voters situated in 300 villages, but if it is not considered feasible then one seat may be given to Amritsar Municipality. A seat for rural area for a woman is inexpedient inasmuch as the women in rural areas are not so much advanced as women in urban areas and it is highly unlikely that a woman of a rural area will seek election. Probably a woman of an urban area will have to seek election for a rural constituency also, and it will be extremely difficult for a woman of an urban area to canvass 43,000 votes of a rural area and besides it will be against the declaration of the Secretary of State who is of the opinion that the electors should be in touch with the elected. But if it is considered that a seat is to be given to a rural constituency, then it is submitted that it may be given to Amritsar District.

The Anjuman hopes that the Committee will give its best consideration to the above proposals as the Muslim urbans have a genuine grievance against the small number of seats allotted to them, and if the Committee considers it necessary, a representative of the Anjuman will be sent to present this case before the Committee.

### III.—DISTRIBUTION OF SEATS IN THE CENTRAL PROVINCES LEGISLATIVE ASSEMBLY BETWEEN THE CENTRAL PROVINCES AND BERAR.

#### 5. Evidence of the Berar All-Parties Conference Deputation consisting of—

*Mr. S. B. Tambe, Mr. R. A. Kanitkar, M.L.C., Mr. S. K. Qazi, Rao Bahadur K. V. Brahma, C.I.E., and Mr. M. S. Aney, M.L.A.*

*Nagpur, dated the 3rd December 1935.*

*The Chairman.*—Mr. Tambe, you are appearing on behalf of the Berar All-Parties Conference?—Yes.

*Q.*—We have a lot of printed matter on record, we have the Council debate we have got the two reports of the Delimitation Committee, Government's finding and notes of dissent. We have got, we may say, a good deal of manuscript material. Will you please explain whether you want to draw our attention to any further points or elaborate any of those already put before us.—With regard to the question that the union of the two provinces should be looked in the light of a federation, I would bring to your notice paragraphs 14 and 19 of the Instrument of Instructions to the Governor and paragraph 28 of the Instrument of Instructions to the Governor-General. What I would like to bring to your notice is this that in paragraph 14, they have used the words "in the administration of Berar". Even in the administration of Berar there would be some sort of differentiation. Paragraph 19 deals with the assent of the Governor being given to any Act of the Legislature. The Governor under this paragraph has to act in two capacities—one as the head of a British province, and the other under the agreement which would be executed between His Exalted Highness the Nizam and the British Government.

*The Hon'ble Mr. Justice Din Muhammad.*—Would you care to read paragraph 14?—Yes. "If an agreement is made with His Exalted Highness the Nizam of Hyderabad as contemplated in Part III of the said Act, our Governor shall interpret his special responsibility for the safeguarding of the rights of any Indian State as also requiring him in the administration of Berar to have due regard to the commercial and economic interests of the State of Hyderabad". With regard to the States generally, paragraph 13 deals with them and paragraph 14 is in respect of the administration of Berar. In administering Berar, special care has to be taken note of this fact, not only in matters of legislation but in matters of administration also. There is a sort of difference that is maintained and will be maintained.

*The Chairman.*—What is paragraph 19?—It is with regard to the giving of assent. "If an Agreement is made with His Exalted Highness the Nizam of

Hyderabad as aforesaid, our Governor in notifying his assent in our name to any enactment of the provincial legislature shall declare that his assent has been given in virtue of the provisions of Part III of the said Act and in pursuance of the agreement between Us and His Exalted Highness the Nizam.

Q.—It is intended rather to preserve the sovereignty of His Exalted Highness rather than to protect the Berar interests?—That distinction is maintained all through. Berar does not become an integral part of a British province. That is my point.

*The Hon'ble Mr. Justice Din Muhammad.*—What is the present position of the Berars?—At present the laws that are applied to Berar are applied through the foreign jurisdiction. Even if the Central Provinces Legislative Council passes an Act, it has to be extended through the foreign jurisdiction. If any special law is to be enacted for Berar it goes before the Berar Legislative Committee. It is treated not as British India and all laws are applied through the foreign jurisdiction. For instance, the Central Provinces Municipalities Act was extended to Berar through the foreign jurisdiction. If there is any law which is to be specially enacted for Berar—that is after the formation of the Berar Legislative Committee—that draft is laid before the Legislative Committee. For instance, the Berar Land Revenue Code which was considered by the Berar Legislative Committee in 1925 did not go before the Central Provinces Legislative Council but it went directly before the Legislative Committee. The same procedure has been followed in respect of laws which are of special application to Berar. My submission is that in future practically the same thing is maintained by asking the Governor to act in two capacities.

Q.—Suppose you are treated as foreigners, what is the jurisdiction for giving you preference? Do you lay special claim merely for the sake of being foreigners?—Under the treaty of 1902 Berar was leased out perpetually to the British Government which was perfectly at liberty to administer it in any way it liked.

Q.—In claiming larger representation in the Central Provinces Legislative Assembly on what part of the agreement do you rely?—Unfortunately the agreement has not been published, and we do not know what the contents are. We have been asking for it—and my friend to my right (Mr. M. S. Aney) put a question in the Legislative Assembly in regard to this point—but so far we are in the dark. The Act refers to some agreement which is under contemplation and His Excellency the Viceroy in his speech the other day at the Hyderabad dinner referred to some agreement. But, as I say, that agreement has not been published. Perhaps the Central Provinces Government knows about it. We do not claim any preferential treatment. What we want is that our present position should be maintained. We want some sort of weightage and adequate representation won't be secured unless we are at least given 33 per cent. of the total.

*The Chairman.*—Even then, so far as I can see, you will be at the mercy of the Central Provinces people.—Yes, but that would be the case in the case of Europeans or, say, Muhammadans.

Q.—Suppose for the sake of argument let us say you are given 33 per cent.?—The difference would be cut down.

Q.—You still have to rely on the Governor's intervention?—Quite so; we never dispute that. As I was trying to show, that is the case even in the case of Muslims. Instead of giving them 33 per cent., they could have been given 25 per cent. because 25 and 33 do not make much difference in a large Assembly. Similarly, in the case of the States, 8 per cent. less would not make any difference.—The strength of the group would be very powerful in co-operating with other groups. If you are a smaller group, it will go difficult to get sympathy from the larger group of the Council. That is our contention. There is a lot of difference between a group of 30 and a group of 37.

*The Chairman.*—You mean it carries more weight?—Certainly. Therefore my argument is that the majority is not very seriously affected if the concession asked for by us is acceded to. I have stated this in my statement. Treat us as a special interest, treat us as a minority or in any other way but our submission is that the same treatment as is given to the Indian States should be given to us.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Under the Government of India Act is there any justification for treating you as a minority?—It deals with us as an individual minority all through.

*Q.*—You have been excluded by the terms of the Act?—At that time this particular aspect was not placed before His Majesty's Government. At that time we were for separation.

*Q.*—The principle you ask us to adopt is a very exceptional one. You cannot say "extend the principle to divisions". We cannot do that, can we? You cannot ask us to adopt the principle of "minorities" as between the Central Provinces and Berar. You would ask us to accept this principle as regards the different divisions in the province?—No, our submission is that the same principle as is adopted in the case of federation should be adopted in the case of Berar.

*Q.*—But where do you get federation from? Do you think you get any support from the Government of India Act as regards your theory of federation?—I think it is only on the analogy of federation.

*The Chairman.*—Mr. Tambie's contention seems to be that there has not been fusion between the two units. He thinks that H. E. H. the Nizam's sovereignty is still there and he asks us to regard Berar in the light of a federated State.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—H. E. H.'s dominion is a State and one can understand its joining the federation, but certainly Berar is not on the same footing. That is kept separate. It is quite a distinct part of a province. Where is the idea of federation then? It is entirely foreign to the amalgamation of the Central Provinces and Berar.—There would be a larger and a smaller federation on this analogy. The two provinces can be joined. There can be complete fusion or there can be some sort of federation if there are different parts.

*Q.*—The analogy does not apply to two provinces. Whatever other arguments you may have, this argument has no force.—I do not say that it must be taken. I only say it must be taken in the light of that principle. Please see paragraph 9 and also section 52 of the Act. You will find there that there are some special interests to be protected by the Governor in case of Berar.

*Q.*—That is a matter of history. Don't you think that all that is irrelevant when in fact the fusion has taken place? We are asked to treat two different units of a province as if they are States but here there has been a fusion.—I think that distinction ought to be maintained so long as the principle is in force. Immediately the agreement which is supposed to have been entered with H. E. Highness and His Majesty's Government is known, then Berar ceases to be a part of the Central Provinces, that is according to section 47 of the Government of India Act.

"If no such agreement is concluded or if such an agreement is concluded, but subsequently ceases to have effect, references in this Act to the Central Provinces and Berar shall be construed as references to the Central Provinces and His Majesty in Council may make such consequential modifications in the provisions of this Act relating to the Central Provinces as he thinks proper."

*Q.*—In the previous section it is said "whereas certain territory (in this Act referred to as "Berar") is under the sovereignty of H. E. H. the Nizam of Hyderabad but is at the date of the passing of this Act, by virtue of certain agreements subsisting between His Majesty and His Exalted Highness, administered together with the Central Provinces".—So long as the agreement remains in force.

*Q.*—We are to proceed on the assumption that it is in force.—I am not aware of the contents of the agreement.

*The Chairman.*—Well, we can assume that there has been an agreement.—We can proceed then that there is an agreement. The Government of India Act says that this decision is to remain in force so long as the agreement is in force.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—So long as the agreement is in force that C. P. and Berar shall be deemed to be one province, they cannot be two independent units. The agreement you say is “federated”. Where did you get the word “federated” from?—Please refer to section 52 and also to the Instrument of Instructions.

*Q.*—“Notwithstanding the continuance of the sovereignty of H. E. H. for Berar, the Central Provinces and Berar may be governed as one Governor's province.” So all the past history for this purpose is forgotten.—(*Mr. Kanitkar.*) There is section 47 (2). It is kept there not to forget the past history.

*Q.*—Not to be remembered but resuscitated? It does not mean that I am against your proposal. I am only trying to understand your point of view. Further I would rather put an argument in your favour that is, now that Berar has become a component part of a unified Governor's province, please deal with it remembering its past history. Perhaps this will be your argument.—(*Mr. Aney.*) It must be borne in mind “according to the will of the contracting parties”. This arrangement is revocable at the will of the contracting parties. That being the case there is a separate treatment. Certain points for separate treatment conceded in this Act. So it has not given us all complete fusion. It is a case in which attempts are made to fusion of the two parts of a province.

*The Hon'ble Mr. Justice Din Muhammad.*—How does it entitle you to preferential treatment?—(*Mr. Tambe.*) At the time of entering the federation as the states are to be given concessions. If we are to be brought together under this agreement then that question may not arise, but this will be considered at the time when the two parts are to be brought together.

*Q.*—You are not the two contracting parties. The two contracting parties are His Exalted Highness and His Majesty's Government.—(*Mr. Aney.*) But we are the persons who are affected.

*Q.*—Well that may be. After all you are only pawns on the chess board. How can you claim any preferential treatment? The Central Provinces people are not claiming any preferential treatment. We really want to enter into the spirit of federation. Section 47 clearly reads that Berar is for all purposes under the Government of India Act to be treated as a part and parcel of British India and so far as the agreement goes it is referred to in relation to the matters of franchise. It says that “any provisions made under this Act with respect to the qualifications of the voters for the two provincial legislatures of the Central Provinces and Berar, or the voters for the Council of State shall be such as to give effect to any provision with respect to those matters contained in the agreement.”—(*Mr. Tambe.*) Even in matters of qualifications, a distinction is made. So at every stage there is a distinction.

*Q.*—Don't you see that only in the matter of qualifications of voters, the agreement does figure in the Act, and the local Government is bound to follow whatever it lays down in the matter of franchise only but nothing more.—Supplemented by the Instrument of Instructions.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—On the analogy of federation you want us to deal with your claim.—Yes, that is my argument.

*The Chairman.*—You are merely relying on that analogy.—Yes, Sir.

*Q.*—We understand your point of view. Take the next case. Why you advance your theory that the special electorate as compared with that of Berar is unduly enhanced by the franchise and that Beraris have different franchise from that of the Central Provinces? Would you please explain that.—May I refer to part VIII, Schedule 6 on page 369 of the Government of India Act.



A sub-tenant in Central Provinces who corresponds to a lessee in Berar is also included in the definition of a tenant while in Berar the lessee is not so included. It, therefore, alters the position to a large extent.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Is the revenue system in Berar raiyatwari and in Central Provinces malguzari? Does that account for the difference.—I do not see why it should make any difference at all. Particularly, it has to be remembered that this makes the difference very great in terms of money.

*Q.*—I suppose in the case of Central Provinces Rs. 2 is the rent paid to the malguzar of the place.—Yes.

*Q.*—In the the proprietary system we are concerned with rent. Now I would like to know what is referred to by 'revenue' in Central Provinces.—'Revenue' refers to money which a malguzar pays to Government, or a plot-holder holding malik makbuza land pays directly.

*The Hon'ble Mr. Justice Din Muhammad.*—How will this help you?—What I suggest is that on account of this the difference of voters in Berar and Central Provinces has arisen.

*Q.*—We are not being influenced by the voting strength at all.—Well, I have put this argument before the Committee in case you desired to consider the position in relation to the voting strength. If you do not see it in that light you need not use it.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—In Berar also Rs. 2 is the amount of revenue which entitles a person to be a voter. Is that not so?—That is revenue only.

*Q.*—There is no question of proprietors in Berar at all. In Central Provinces Rs. 2 is paid to the zamindar. What does 'revenue' mean then?—'Revenue' means the money which the zamindar pays or the plot-holder pays to the Government. Then there are also holders of survey numbers. There are some ryotwari villages in the Central Provinces. If you look to 3 (b) of the Schedule you will find the word 'raiya' used in line 3.

*The Chairman.*—Why has this differentiation been made? The language used in 3 (c) is: "holds, in Berar, in other than tenancy right....". Can you tell me why they have been deliberately excluded?—Government has made recommendations in this behalf and I am unable to throw any light on it.

*The Hon'ble Mr. Justice Din Muhammad.*—Can you suggest why they have excluded the tenants?

*The Hon'ble Mr. Justice Venkatasubba Rao.*—This difference in the provisions leads to a larger number of people in the Central Provinces being enfranchised than in Berar. Is that what you say?—Recently a Committee was set up to investigate into the working of the local Self Government Acts. The question arose before that Committee about these sub-tenants, because it was previously decided that the franchise to be adopted for the different local self-governing bodies should be the franchise adopted in respect of provincial legislative assembly; and in that examination it was agreed that while a sub-tenant could come on the roll by virtue of his qualification a lessee was excluded. I suggest that if sub-tenants are included in the figure of voters in the Central Provinces then this fact accounts for the swelling of their numbers. I consider it somewhat important to state another fact at this stage. Before sending up proposals to the Franchise Committee Government calculated the approximate number of voters on the basis of payment of Rs. 10 rent or revenue and the result showed that we had more than 12,000 voters over the number of voters in the Central Provinces. With the lowering of the qualifications, however, the result is that our number has gone down. At present in Berar 6·8 per cent. of the population have been enfranchised while in the Central Provinces districts 9 to 13 of the population have been enfranchised.

*The Hon'ble Mr. Justice Din Muhammad.*—Is it a fact that on voting strength you will be entitled to less than 22 seats?—Yes; that is how the franchise has

worked to our prejudice.—In that case if you are allowed 22 seats this question does not arise because that will be on the basis of population.

*The Chairman.*—You say that as a result of the franchise qualifications prescribed in the Schedule, Berar gets a lower number of voters as compared with the Central Provinces, and therefore, if the number of voters is to be taken into consideration for fixing the number of seats, this reason for the swelling of the number of the Central Provinces voters must be taken into account. Is that what you want to suggest?—Yes, Sir.

*Q.*—Is it not a fact that the ratio of increase in the population of Berar has gone down in comparison with the ratio of increase in the Central Provinces.—I cannot say definitely as I have not the necessary figures; but I do not think that that is the case.

*Q.*—In a Government statement it is said that the Berar population formerly was nearer 1/1th of the total population and now it is nearer 1/5th than 1/4th. It therefore, follows that the number of seats must also be less in that proportion.—I am afraid, Sir, I have not got the figures. I, therefore, cannot make any statement on that. Government decision has only been published: the Government report has not been published.

(The Chairman then read the above statement.)

*Q.*—Has the population of the Central Provinces increased due to the inclusion of certain tracts which were not formerly included?—Yes, considerably. Formerly the zamindar in Chhattisgarh excluding the Feudatory States, of course, were not included. So also the Mandla district was not included though it was given representation later on.

*Q.*—What would be the population of those tracts?—I am afraid I could not tell you that off-hand. It is given in the Franchise Committee's report.

You say that when the present reforms were inaugurated certain zamindaris and one district were excluded. Is that right?—The Feudatory States, zamindaries, and one whole district—the Mandla district—were excluded.

*Q.*—Under the present constitution?—Yes. Mandla later on got representation.

*Q.*—At the time of revision?—Yes.

*Q.*—On your argument, it is because so much revenue comes out of Berar therefore Berar should have so many seats. Can you give me an instance of any province in India where there is allocation of representation on this basis?—In the case of federation, Bombay has been shown that preference. On account of population Bombay would not have got so many seats.

*The Hon'ble Mr. Justice Din Muhammad.*—Not on area?—Not on area.

*The Chairman.*—Bengal gets it on account of the Permanent Settlement.—Bombay and Punjab have been shown preference. They have been given more seats than they would have got on account of population. That has been conceded by Parliament.

*Q.*—Then in your representation of the 11th of August, in the meeting held at Amraoti there is a reference to unfair treatment as I might almost call it, in the case of Berar in the matter of remission of land revenue or collection of taccavi loans. We have not gone into it, but what action has been taken in your Legislative Council? Was any representation made?—Members asked questions. If any resolution is moved there is no chance of its being carried.

*Q.*—In the Central Provinces conditions approximated famine conditions more than in Berar.—That is not what the people of Berar think. It is, after all, a matter of opinion.

*Q.*—When the conditions are the same in both the parts. And even then supposing for the sake of argument this was the case. But even then the addition of three or four seats would not make much difference.—A larger group has better facilities than a smaller group. If I have a group of ten it will carry less weight than a group of fifteen.

Q.—You are bound to be a minority.—I do not dispute that. That would be the case of every minority. That was the case of the States. That was the case of the Muslims. They have been given weightage.

Q.—You cannot place implicit confidence in the power of the Governor to discharge his special responsibility?—I do not think that would be adequate.

Q.—Why not?—His special responsibility is only with regard to expenditure.

Q.—“The safeguarding of the legitimate interests of minorities”—that is very wide.—Paragraph 2?

Q.—Paragraph 2 relates to expenditure. But 52 (1) (b) ought to cover it. Also it is emphasized there; “the safeguarding of the legitimate interests of the minorities.”—Would we be considered as a minority?

Q.—Yes. Take a concrete instance. Supposing the Legislative Assembly of the future decided that there should be a Committee, apart from the Public Services Commission, to examine the applications of candidates for public employment and they declined to have on that Committee any representative from Berar. I think that would be a case where the Governor would probably interfere.—The question is whether the Governor would like to interfere in that case. The Governor would be in an awkward position.

Q.—There is the Governor's responsibility for the safeguarding of the legitimate interests of the minorities including racial or religious communities for the members of which he has special responsibility.—Our case is neither racial nor religious.

Q.—The Instrument of Instructions to the Governors says: “.....and those classes of the people committed to his charge who, whether on account of the smallness of their number or their lack of educational or material advantages or from any other cause, cannot as yet fully rely for their welfare upon joint political action in the legislature, shall not suffer, or have reasonable cause to fear neglect or oppression.”—(*Mr. Inay.*) When there is a special clause dealing with the question of Berar I think it would be proper to interpret 52 (1) as covering considerations excluding those of Berar. Those minorities dealt with in 52 (1) would be something else than matters affecting Berar.

Q.—Because in the following paragraph Berar is specifically mentioned, therefore it is excluded from the earlier paragraph?—The territorial unit of Berar can be considered only in 52 (2).—(*Mr. Tambe.*) Berar would not be considered as an interest of minority.

Q.—Assuming, for the sake of argument, that weightage should be given to Berar, then we have to ask what weightage should be given.—We have suggested it.

Q.—You claim 33 seats. On a population basis it would be 22.—At present we have over 30 per cent. We get only a little more.

*The Hon'ble Mr. Justice Din Muhammad.*—You claim 50 per cent.?—(*Mr. Kanitkar.*) It is like this. There is a weightage given to Muslims throughout all the provinces. There is no separate weightage for Berar Muslims or Central Provinces Muslims. The weightage of Muslims is weightage as a whole. According to population the Muslims are entitled to two seats in Berar and three in Central Provinces. According to the proposals of the Government the Muslims should get six seats. So these seats which are included in the Berar quota do not come into Berar as a weightage to Berar.

Q.—What is the general population excluding Muslims of Berar?—32 lakhs.

Q.—The total population is about 155 lakhs; and excluding Muslims it is 148 lakh.—The total Central Provinces population given is 150 lakhs. (*Mr. Tambe.*) The Central Provinces population is 120 lakhs: ours is 34.

Q.—Excluding Muslims?—The Muslim population is 3 lakhs in Berar.

Q.—And about 4 lakhs in Central Provinces.—Yes.

Q.—The general population is 148 ; 32 yours and 116 on the other side.

*The Chairman.*—In that population of the Central Provinces is included a very large number of aborigines, about 13 lakhs.—Yes.

Q.—Why do you suggest that they should be excluded from the calculation ?—It is like this. There is a special provision for their representation ; there would be a nominated member representing them. In the circumstances it is a moot point whether in arriving at the population figure for the Central Provinces we should not exclude the backward tribes.

Q.—Won't any of that 1,350,000 be on the electoral rolls of any constituency ?—Government at least thought that there would be hardly any. That is what they wrote to the Franchise Committee.

Q.—Suppose the backward tribes are to have an elected member to represent them. Those members of the backward tribes who live in other constituencies and have the franchise qualifications would be able, of course, to vote in those constituencies. I, therefore, think that they must be included in the population for the purpose of calculation.—Why the advantage of that population should be given to others ? That is the point.

Q.—Whether the Central Provinces should be allowed to include them in their population for the purpose of calculating the ratio ?—Yes, that is the point. They have got a separate seat and therefore they should not be included again. That is giving them an undue advantage.

Q.—There are 6 Muslim seats in Berar out of 14 ?—Yes.

*The Hon'ble Mr. Justice Din Muhammad.*—I have calculated like this : There are altogether 84 general seats which are to be distributed among the 148 lakhs of population on population basis, and you being 32 lakhs would be entitled to 18 seats only. So instead of 18 you get 21 ; Muhammadans get their separate weightage as they get 6. So even on the Government calculation of 27 you are allowed a weightage of 3.—According to Government calculation, on population basis Berar gets 22.

Q.—Yes, but that includes Muslims. You yourself raised the point that Muslims should be excluded from this calculation. If Berar is to get on population basis, it is entitled to 18 seats besides the seats for Muhammadans ; that is to say it is entitled to 24 seats, besides the additional seats for special interests. (*Mr. Kanitkar.*) That is not correct.

Q.—The population of the province, excluding Muhammadans, is 148 lakhs, and Berar has a population of 32 lakhs excluding Muhammadans. So if 148 lakhs are to get 84 seats, 32 lakhs will get 18 seats only.

*The Chairman.*—You have been given, according to the Government scheme, 21 seats. So you get by way of weightage 3 seats apart from the weightage given to the Muhammadans ?

*The Hon'ble Mr. Justice Din Muhammad.*—You calculate it yourself.—(*Mr. Tambe.*) It comes to 18 and some fraction, or I should say 19.

Q.—That fraction is insignificant. Instead of 18 you have been given 21.—You must take the basic figure to which we are entitled on the basis of population, and then you should go on adding to it for the purpose of giving weightage, etc. This is a wrong way of dealing with the question.

Q.—What is the basic figure on population basis ?—If the non-Muhammadans are entitled to 18 seats on population basis and the Muslims to 2 seats, Berar should get only 20, but the Government's calculation is 22.

Q.—We have to work out the figures for ourselves : there is no need to refer to the figures supplied either by Government or by you. This is a calculation that you yourself had made a couple of minutes ago. You yourself wanted to exclude the Muhammadan population ?—If we include the Muhammadans, we should get 22

on population basis taking into account the population of the aborigines. But if we exclude them from the Central Provinces, then we would be entitled to 24.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—You have unnecessarily introduced this element into this discussion. It is unnecessary for the purpose of your argument to refer to the Muslim weightage. It will be sufficient if you confine yourself to the statement that you want more than what you are entitled to on the basis of population.—(*Mr. Kanitkar.*) We had to refer to it because there was a question as to the weightage we do get.

*The Chairman.*—What weightage do you claim ?

*The Hon'ble Mr. Justice Venkatasubba Rao.*—I think you have unnecessarily introduced an element which ought not enter into this discussion at all.—(*Mr. Tambe.*) I submit that we have not done anything of that sort.

*Q.*—It would quite do if you confined yourself to stating how many seats you are entitled to. On what grounds weightage has been given to a particular community and whether that weightage should be maintained or taken away are questions which are wholly outside the scope of the present enquiry.

*The Hon'ble Mr. Justice Din Muhammad.*—But the witness says that they are entitled to so much weightage.

*The Chairman.*—I have never heard anything definite on that point from him.

*The Hon'ble Mr. Justice Din Muhammad.*—They claim 34.—(*Mr. Tambe.*) You must first arrive at the figure to which we are entitled on population basis, excluding the Muhammadans who are given special weightage. To this number should be added the number which we claim as a minority or as having special interest.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—The weightage given to Muhammadans both in the Central Provinces and Berar is a common factor and does not enter into this question at all. A certain weightage goes to Berar, a certain weightage to the Central Provinces on account of the general weightage that is given to Muhammadans as a whole. As I say, that is a common factor which need not be taken into consideration in deciding the question of the relative merits of the two parts of this province.

*The Chairman.*—I do not gather that it is any part of your case that you want to have more weightage for the Muslim population of Berar ?—No.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—That is why the introduction of that matter has unnecessarily complicated the question and does not bring us nearer the solution.—I am sorry.

*Q.*—I do not blame you. I only remarked that that seemed to complicate the position.—We are only explaining the figures.

*The Chairman.*—Let us get back to my original question : What weightage do you claim ?—If you consider our case to be analogous to that of federation, then we say that there is a standard fixed by the Government of India Act.

*Q.*—What is the percentage that you derive from your association with the Government of India in its relations with the Federal Assembly ?— $1/3$ rd—33 per cent. We want the same ratio in the provincial Assembly. In the Council of State the percentage is 40, but we do not want to claim that.

*Q.*—And that would work out to what ?—37.

*The Hon'ble Mr. Justice Din Muhammad.*—Including special interests, like labour, women, etc ?—Yes.

*Q.*—And not one-third of the general seats alone ?—No. We will provide for 6 Muslim seats. I have stated that in my letter.

*The Chairman.*—In your letter you state “The claim for 33·3 per cent. is not much in excess of what it should have on old basis and is supported by considerations which have the sanction of Parliament.—Our claim of 37 includes all interests; we do not claim for any special interests or weightage for Muslims.

*The Hon'ble Mr. Justice Din Muhammad.*—Where would you include the seats for Europeans, Anglo-Indians and the University?

*A.*—In the Central Provinces.

*The Chairman.*—You do not count them as belonging to you? You would not count the Anglo-Indians.—There is only one seat for them.

*Q.*—...and the Europeans, although they are common to both?—No.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Therefore Government has made these seats indivisible?—Yes.

*The Chairman.*—What you really claim is that out of 98 seats, 33 should be given to you?—Yes, Sir.

*The Chairman.*—On the population basis you will be entitled to 22.—Yes, if the aboriginals are excluded we will be entitled to more.

*The Chairman.*—Well that is again 50 per cent.—I am afraid I have not worked that out.

*The Hon'ble Mr. Justice Din Muhammad.*—It is of course clearly 50 per cent. of the 98 territorial seats. You say you should get  $\frac{1}{3}$  of 98, but your due share is 22 including the Muslims.

*Mr. Aney.*—When we claim 37 I am only putting it for the sake of argument. We claim 6 Muhammadans. If you exclude Muhammadans and want us to fix the number we only get a quota of 31.

*The Hon'ble Mr. Justice Din Muhammad.*—You forget the fact that you will not get more than 22. On the one hand you include Muhammadans and on the other hand you want to exclude them. It comes to the same thing, that is, you claim 13 more. The weightage therefore comes to 50 per cent. even if you claim 9 more seats, excluding Muhammadans.—It is 31, Sir.

*The Chairman.*—I understand that is what you are asking for, *i.e.*, 50 per cent. weightage if the *status quo* is maintained.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—I think the present demand is less than 33. Is it not? On the *status quo* argument you will be entitled to 34 seats, but you are demanding only 33?

*The Chairman.*—Are you not satisfied with regard to the representation of Muhammadans in Berar?—(*Mr. Qazi.*) According to the population basis we are getting something less. Our contention is that if weightage is to be given to Berar, then one more seat is to be given.

*The Chairman.*—I think it will do, Mr. Tambe. Thank you very much.—(*Mr. Tambe.*) On behalf of the deputation Sir, I thank you and the other members of the committee.

## 6. Evidence of the Central Provinces Deputation consisting of—

*Sir Hari Singh Gour, Mr. Sitacharan Dube of Hoshangabad, Mr. D. T. Mangalmoorti, M.L.C. and Mr. Samiullah Khan, President of the Nagpur Municipality.*

*Nagpur, 3rd December 1935.*

*Sir Hari Singh Gour.*—Sir, I am very much obliged to the committee for giving us the opportunity of hearing the views of Berar deputation and so far it has simplified the position of Central Provinces.

*The Chairman.*—Sir Hari Singh Gour, will you please tell us why you think no weightage should be given to Berar ?—(*Sir Hari Singh Gour.*) The whole policy underlying the argument of the claim of Berar and as reinforced by the deputation here is that inspite of the Government of India Act, they want this committee to treat Berar still as a unit of the federal Government. They regard Berar should be on the analogy (they have plainly stated that fact) of federation. Well Sir, the Government of India Act, 1935, is my reply. The Government of India has categorically refused to consider Berar in the light of anything less except as an integral part of the Central Provinces. Section 44 is very clear on the point.

“Whereas certain territory (in this Act referred to as Berar) is under the sovereignty of H. E. H. the Nizam of Hyderabad is at the date of passing this Act by virtue of certain agreement subsisting between His Majesty and His Exalted Highness administered together with the Central Provinces.”

The need for protection has been generally stated and re-emphasized for the purpose of bringing into focus the Sim formula which of course you know, *viz.*, the contention of Berar that she has been the milch cow of Central Provinces; that was the grievance which they voiced before the Joint Select Committee, and therefore this clause 2 has been inserted and the Governor has been given special responsibility to deal with the people of Berar, fairly and squarely. But the point that we wish to reiterate and the point upon which I think the Government of India is our anchor-sheet is that the Central Provinces and Berar are henceforth to be treated as one province and Berar therefore is only one Commissioner's division of the Central Provinces Government for the purpose of future provincial autonomy. But the Berar people seem to think otherwise. If it is a federal unit well perhaps they may ask for a seat in the federal assembly and supposing Berar is a part of H. E. H. the Nizam's State, I do not think they can very well come before this committee and say that because they are members of the federal Government, therefore, they should be given some 20 seats more in the C. P. Legislative Assembly. That is not the case. They cannot blow hot and cold at the same time. Either that they should be part of the Central Provinces Government or they should be the subjects of H. E. H. the Nizam of Hyderabad. If they are part of Central Provinces then they are only a division of the Central Provinces. If they are not, then their claim is untenable for any seat or weightage in the Central Provinces Legislative Assembly.

*Q.*—Assuming that Berar is a part and parcel of the Central Provinces then you say that they are not entitled to any weightage ?—Yes, Sir. They are not entitled to any weightage.

*Q.*—Even in view of its past history and the present representation in the present Legislative Council, you still think that they should not be given more seats ?—Well Sir, all these points were considered by the British Parliament when Berar asked for more weightage and special treatment. But now we see in the Government of India Act, 1935, that no such special weightage has been given. I do not understand how Berar can put forward a claim for more seats at this stage. First Berar wanted to be a federating unit, that was refused; secondly they wanted special representation on the analogy of a federating unit, that was also refused; and now they come forward as it were by a side-door to ask this committee to give them exactly what the Government of India refused to give them. On the other hand the Government of India laid particular emphasis upon the point that Berar shall henceforth be treated as a part of Central Provinces and the two combined provinces shall be governed as one single province. We cannot go back now to the past history as the members of the committee know Sir, the conditions of ancient history with Central Provinces and Berar were different. Here is the Act of British Parliament, the Government of India Act of 1935.

*The Hon'ble Mr. Justice Din Muhammad.*—You say that Berar is only a division of Central Provinces. Now the division of Chhattisgarh has not been

given adequate representation on the ground that it is backward. Then on that analogy why should not an enlightened division be given weightage?—My answer to that Sir is, that so far as Chhattisgarh division particularly is concerned, I venture to submit that though it has a population of 51,31,000, it has been given only 26 seats. I consider it a grievance which I wish to voice on behalf of Chhattisgarh division. The curious history of the Government of India Act is that the more backward a country is, more weightage is given. Take the question of aborigines. Take the depressed classes, take all these backward classes. That is the history of the Government of India Act. But when you deal with allocations of all seats in the various divisions of a province, because that division is backward, you do not give them any seat at all proportionately to the population. There is again the Nagpur division, Sir, with a population of 35,39,000 which has got only 24 seats. Jubbulpore division with a population of 33 lakhs has got only 23 seats and Chhattisgarh division with 51,31,000 has got only 26 seats. That I call an inequitable treatment. The more backward a division is, the more encouragement it should get.

*The Chairman.*—Of course (*Dr. Sir Hari Singh Gour.*) This leads to another logical conclusion. The better educated the people are in a division they make better members of Legislative Council. Is not it?—No, Sir, I do not think it is so. My experience at any rate has just been the reverse. I am only illustrating that while there is only one principle underlying the Government of India Act of 1935, quite a different principle underlies the allocation of seats between the various divisions composing of Central Provinces and Berar.

*Q.*—Supposing you get back the five extra seats that have been given to Berar under Government proposals, will you hand them over to the Chhattisgarh?—No Sir, I will not hand them over to Chhattisgarh; but I will distribute them amongst the different divisions of the Central Provinces.

*Q.*—But surely according to your argument the seats should go to Chhattisgarh!—Well, Sir, if I were acting as an arbitrator I would certainly do that. But I am a practical man: I want to see that the local council does function well and get over the affair. Consequently I shall distribute them and I think the Central Provinces people have agreed about the manner of that distribution.

*Q.*—Do I understand you correctly when I say that you disagree with the Government position that in view of the future change in the position of Berar it should get 27 seats?—We wish to register our emphatic protest against it. We say that Berar is really entitled to 18 seats. Mr. Justice Din Muhammad has very clearly pointed out that on the population basis Berar is entitled to get 22 seats and on the basis of voting strength still less.

*Q.*—Have you anything to say about the argument advanced by the Berar deputation that the qualification for franchise handicaps their voting strength? As you already know, their contention is that owing to the exclusion of tenancy rights in Berar and the fixation of the franchise qualification of the payment of Rs. 2/- as rent a larger number of people have been enfranchised in the Central Provinces. What have you to say in reply to that point?—In Berar a sub-tenant or lessee is enfranchised. We have pointed that out.

*The Hon'ble Mr. Justice Din Muhammad.*—In the case of Berar, tenancy rights have been excluded and in the definition of a tenant, a sub-tenant has been excluded.—A sub-tenant is excluded in the Central Provinces also.

*Q.*—Yes, that is true; but tenancy rights have been included in the Central Provinces.—A tenant in Berar is a tenant but he is called an occupant. His rights are exactly the same as those of a tenant in the ryotwari settlement in the Central Provinces. It is only a change in the nomenclature. The only difference between the Central Provinces and Berar is that except in izara villages in Berar the revenue that a tenant pays goes directly to the state and the rent that a Central Provinces tenant pays filters through the channel of malguzar.



*The Chairman.*—And 50 per cent. of it is absorbed in the way!—Yes, a portion of it is absorbed. But otherwise there is no difference between them.

*Q.*—So your contention is that in point of fact Beraris do not suffer?—Yes.

*Q.*—Do you admit Sir Hari Singh that a million and a quarter of the backward tribes go to swell the number of the Central Provinces population? If you exclude them, as you might possibly, on certain considerations one of them being that they are to be represented by nomination, will not the ratio of Central Provinces population to the Berar population decrease?—But the backward tribes are entitled to a vote in a general election.

*Q.*—How many per million will get a vote?—Well, that depends upon the organization of the Congress and other political bodies. During the last civil disobedience movement these aborigines were always to the front.

*Q.*—But have they exercised a vote?—If, they come to cut grass and firewood against the law, they will surely come to exercise the right of vote.

*Q.*—Are many of them qualified? Under what qualification will they come in?—Under the Rs. 2/- rent qualification. The position is that under the Scheduled Districts Act certain tracts were declared backward and they were excluded from the benefits of the Montagu-Chelmsford Act. The policy of the Government of India now is to include all the people and there is no difference between the backward and advanced people. So far as the power of voting is concerned, anybody who pays Rs. 2/- must get a vote.

*Q.*—But how many of that million and a quarter will actually be voters under the condition of paying Rs. 2/- as rent?—I think the whole of the Mandla, Chhindwara, Chanda districts and the Seoni Sub-division—a very large number of people. (*Mr. Dube.*) Practically the districts contain nothing but those people.

*Q.*—Do they go in for settled cultivation?—(*Sir Hari Singh Gour.*) Yes. They are not nomads. They are not people like the backward tribes in Bihar and Orissa who wander through jungles. These people have got lands, they have settled there, they do not go from place to place; and there are malguzars amongst them. Here is my friend, a big malguzar, belonging to backward tribe. (Points to a gentleman behind him.)

*Q.*—I do not say that we should do so, but supposing for the sake of argument that if we exclude these aboriginal tribes from the population then our calculation shows that on population basis Berar would get 26 seats including the Muslims. Government proposes to give them 27 in view of its past history and its present position. Is this not one way of looking at the question? These million and a quarter have already been given one seat by nomination and, therefore, why should not the Central Provinces be deprived of the weightage in population they get by the addition of these people?—That would be hard lines on the Central Provinces because then the Central Provinces would be under-represented. I am afraid the Committee seem to think that the aborigines and backward people are such as are not likely to get into the legislature. But that is not a fact. I am certain that they can enter the legislature through the broad door of the general electorate. Many of them are zamindars; they can form their constituencies. They have got their associations.

*Q.*—Have you seen the recommendation of Government which states that they must be represented by nomination? That is the proposal that comes to us from the Government of Central Provinces.—I know the Government proposal, and I know these people well. I think Government, when making that recommendation, had the hill tribes such as Bhils and Gonds in view. They are quite distinct from the backward tribes. I am not speaking about them. I am speaking about the backward tribes comprised within scheduled districts, that is to say the zamindari tribes which were excluded in the Montagu-Chelmsford reforms. They are as civilized, and many of them are as advanced, as the rest of the province.

*Q.*—Are they included in this one million and a quarter?—I should say they are. My friend Mr. Mangalmooti tells me that it was admitted in the Legislative

Council that they were included in the one million and a quarter. I may also point out that the aborigines are scattered over the Central Provinces and Berar.

Q.—There are only sixty thousand in Berar. They are comparatively fewer in Berar.—That is so. I am not able to say what is the exact population of these real aborigines, but I think it would be very very small compared to the Gonds and the settled population. It includes zamindari tracts.

Q.—You mean the settled tribes would be much larger in population than the real hill tribes?—Very much larger. Of course I am not able to give the exact figures, but I think they are few compared to these settled people. Mr. Mangalmoorti tells me they will be about 1 to 9. This much I can say that their number is very very small compared to the settled people. And I must say that they were unjustly excluded in the Montagu-Chelmsford Reforms, and it is belated justice that they have been brought in and now enfranchised.

Q.—Why is it in the present Legislative Council, Berar was given a relatively large number of seats?—I submit the history of Berar's representation is this. In 1902, Berar came to us from His Exalted Highness the Nizam. And you know, Sir Laurie, our mutual friend Sir Ali Imam came in and there was agitation going on for separation and rendition and an agitation started also from within. As Mr. Tambe admitted, they wanted separation under the present Act. It was for the purpose of placating the claims of Berar that they were not being justly treated. I think, they were given over-representation. I think that is the real history.

Q.—The present weightage was given to them then?—Yes,—And they kept it.

Q.—Mr. Justice Din Muhammad refers back to the first question asked. Here you have the Nagpur division. Page 11 of the Appendices. It does strike one when you look at it. The number of general non-Muhammadan seats according to population the Nagpur division is entitled to, is 23. They have been given 23½. It means between them and Jubbulpore there is an extra seat. Jubbulpore is given 23. Chhattisgarh is entitled to 32, it has been given 24. The first reply is doctrinaire. It is purely on democratic principles and I think it is right. Still it is made on the recommendation of this Provincial Delimitation Committee after careful consideration by the local Government, and it seems to us obvious that it has to be given because a large number of aborigines are included in the tract. Berar is politically forward.—The Nagpur division is as equally enlightened as Berar.

Q.—Marathi part?—Yes.

*The Hon'ble Mr. Justice Din Muhammad.*—Supposing we say Central Provinces people are justified in saying that on the population basis Berar is not entitled to more than 22 seats and therefore the extra weightage given to Berar should be taken away, how in the same breath will we be justified in also saying that Chhattisgarh which, on a population basis, is entitled to 32 should be allotted only 24 and that in the case of that division a different criterion should be employed in the matter of the allocation of seats?—I should say that was a settlement arrived at between the local representatives.

Q.—That would not be justifiable in one case to depend on the settlement arrived at between certain members of the Committee while in the other case to insist on population basis and take away from Berar what has been allotted to it either by the Government or by the Delimitation Committee.—In your distinguished judicial career when plaintiff and defendant agree do they go back behind an agreement? You see if people agree there is nothing more to be done. The same thing does not occur in the case of Berar. Consequently you have to exercise your judgment.

*The Chairman.*—I would like to say one thing before you go. Our idea in going round is to try and do what little we can to make the constitution acceptable to all parts and we feel therefore that if you can start it on an agreed plan it would lead to harmonious working of the constitution. We have not come to any conclusion

and I should like to say that we should much prefer if you even at this late hour meet the Berar people and come to some agreement. I think it would be a very good omen for the future and you would start on very much better lines than if you force us to give an award. If you cannot come to an agreement we will have to give an award.—We are very much obliged to your friendly advice, and let me assure you so far as the Central Provinces people are concerned they have always been in a reasonable frame of mind and they are quite prepared to meet our friends from Berar in that spirit. But when our friends from Berar put forward an exaggerated claim then a settlement does not look very probable. All the same we do not want our pound of flesh. We are quite prepared to meet the just claims of Berar and to respect their sentiments, but there must be a limit beyond which we cannot possibly go.

*The Hon'ble Mr. Justice Din Muhammad.*—If you make an attempt to meet them half way you would certainly come to the figure which Government has suggested.—A case I had the other day in the High Court. The complainant put forward a claim for Rs. 1,000 and came forward to say: "if you give Rs. 500 we shall be quits". I do not say that the whole claim is false, but when we have an exaggerated claim it is difficult to agree.

*The Chairman.*—Our opinion is that some way should be found. We are not prepared to accept the position that the past has to be wiped out and that you should make a new start and deprive Berar of any weightage. We feel that some weightage should be given, but we should much prefer that the actual amount of weightage should come by agreement. You probably know just before a judgment is delivered the parties come to agreement. We should like something of that sort. As regards the Governor's protective powers we said to the Delimitation Committee, if you have got a house and there is combustible matter in it, it is all very well using those things to put out the fire, but it is much better to avoid having the combustible matter in the house.—I am sure these words will go home to my friends from Berar who are listening to you.

Q.—It will make a lot of difference for the future if you come to some agreement.—I quite see that.

Q.—I thank you very much.—We are very much obliged to you for giving us this hearing.

#### IV.—DISTRIBUTION OF SEATS BETWEEN ASSAM AND SURMA VALLEYS.

##### Assam.

##### 7. Evidence of the Assam Valley (Muhammadan) deputation consisting of :—

*Sir Muhammad Saadulla (leader), Maulvi Wajid Ali, B.L., Joint Secretary, Anjuman Sabile Islamia, Khan Bahadur Maulvi Keramat Ali, M.L.C., Khan Sahib Maulvi Saiyidur Rahman, Ex-M.L.C., General Secretary, Assam Muslim Association, Maulvi Ruknuddin Ahmed, Ex-M.L.C., Maulvi Derajuddin Ahmed, Pleader, Maulvi Tayyebulla, B.Sc., B.L., Mr. F.A. Ahmed, Bar-at-Law, Mr. A. Nural Haque, B.L. and Maulvi Syed Abdur Rouf, B.L.*

*Shillong, 28th October 1935.*

*The Chairman.*—I understand you all represent the Muslim community of the Assam Valley ?—(*Sir Muhammad Saadulla*).—Yes, Sir.

Q.—What I understand you wish to speak about is that the majority of the Assam Franchise Committee recommended that you should have 12 seats in the Lower House and that the Muhammadan community think that 13 seats should be allotted ?—Yes Sir.

Q.—What about the Upper House? What is your objection?—My principal objection is that Government is not following the principle of adult franchise in the distribution of seats. They have based it on the population basis and this is not just. I will advance only two out of many other reasons; first, our area of six districts in the Assam Valley has a total square mileage of 19,546; as against that the two districts of the Surma Valley has a total mileage of 7,460 square miles, excluding the hills. The first point is the rate of increase of the Muslim population in the two Valleys. In 1907 the Muslim population in the Assam Valley was 3,63,540; in 1921 the Muhammadan population was 5,94,981; in 1932 the population was 9,53,299; so the rate of increase between 1911 and 1932 in the Assam Valley was 63·8 per cent.

Q.—Where are you getting your emigrants from?—95 per cent. from Eastern Bengal, Mymensingh, Dacca, Comilla and these places.

Q.—You would like us to infer that this rate of increase would be maintained, and even if lowered a little it would be 50 per cent.—Yes, Sir. One point which I would like to urge before you, Sir, is that in the present constitution we have got 4 seats but those were allocated on the basis of the population figures of 1911. The Southborough report appeared in 1919, but they based their report on the population figures of 1911. I would like to refer you to paragraph 12 (reads) “In paragraph 83 of the Joint Report reference is made to the restricted nature of the existing franchise, and this is further illustrated by the statistics of the present number of electors given in the statistical summary of each province. Except in the case of Muhammadans in some provinces, the general population is represented only by a system of indirect election through members of municipal and district boards. If our proposals are accepted, a large number of electors will for the first time have an opportunity of choosing their representatives by direct election. We have endeavoured to adopt the district as the territorial area for constituencies; it is a well recognised administrative unit, with generally homogeneous interests, and affords the most convenient basis for the preparation of the electoral roll and the organization of electoral machinery. We have departed from this principle in the case of cities with a large population, which have been recognised as separate constituencies. The smaller towns have usually been merged into the rural constituencies, and only where local circumstances rendered such a course unsuitable have we grouped these towns into separate urban constituencies. It will be observed that the amount of representation given to urban constituencies is on a liberal basis as compared with their population, but here also we consider this to be justified by their superior standard of wealth and intelligence and by the larger interest evinced in political questions. The towns have, moreover, a more extended experience of the use of the franchise, since it has been more widely exercised in municipal than in rural local self-government. So far as practicable, we have endeavoured to provide at least one seat in each district; but it has been necessary to group districts together in order to form constituencies for the representation of communal minorities where their numbers are small. As regards the allocation of seats, we have followed no single principle, but have endeavoured to allot seats proportionately to the importance of the constituency measured by a combination of factors such as population, estimated number of voters and other local conditions. In this matter we have, where practicable, followed closely the proposals made to us by the local Governments”.

Q.—You have 4 seats for the Muslims of the Assam Valley; how many are allotted for the Surma Valley?—Eight seats.

Q.—Give me the population of the Surma Valley in 1911?—In 1911 it was 15,22,988; in 1921 it was 16,06,880; in 1931 it was 18,00,000. What I am driving at is this that when this allocation was made under the present reforms 8 seats were given to the Surma Valley for a population of 16 lakhs and we were just about 3½ lakhs and were given 4 Seats.

Q.—You are arguing that weightage was deliberately given to the Muslims in the Assam Valley; that if for 3½ lakhs of electors you could be given 4 seats in 1911 before the Southborough Committee report, we should try and maintain that number in proportion to the increased population?—Yes, to a certain extent.

*Q.*—What about the voting strength?—That cannot be compared. As you know it is different in the two valleys: in the Assam Valley it is direct under the Government and the lands are direct from landlord to tenant and the voting power is Rs. 7/8 on payment of land revenue; whereas in Sylhet there is a chowkidari tax of 8 annas levied.

*Q.*—You ask us to infer from that that there is naturally a much larger percentage in the Surma valley than in the Assam valley?—Yes.

*Q.*—That argument has not appealed to us elsewhere because the man who pays as much as 8 annas as chowkidari tax may be a man of substance and as you know the chowkidari tax is not for assessment of land revenue but it is to meet the chowkidari system; they have to get so much money and spread it out; some pay Rs. 2/8.

*The Hon'ble Mr. Justice Din Muhammad.*—What are the actual figures of voting strength under the different franchise qualifications?—That is in column 6.

*Q.*—You have not calculated them?—No, because the franchise qualification had not been supplied.

*Q.*—You have 72 000 voters in the 6 districts of Assam Valley?

*The Chairman.*—How many seats do you think you would claim on those figures?—In the Assam valley both the Hindus and the Muslims have been asking for 14 Muslim seats. This matter came up before the Franchise Committee more than once and in their first report they recommended 13 seats for Assam Valley by a majority, the 4 members hailing from the district of Sylhet opposing; non-official members, Hindu and Muslim members and the Depressed Class members, from the Assam Valley all supported it. That was the 1933 report. This matter came up before them again in 1935 and they stuck to their original recommendation of 13 seats for Assam Valley; this time the non-official members remained neutral; even then it was carried by a majority. That is on top of page 4 of the Franchise Committee report.

*Q.*—Where were the seats to come from in the Surma Valley?—Either from Habiganj or North Sylhet; that was Mr. Dawson's recommendation on page 8 of his report.

*Q.*—That was based on the population figure which has since been altered.—Yes.

*Q.*—How do you arrive at the figure of 14?—You may remember that at the present constitution two big districts like Sibsagar and Lakhimpur combined send one member: it has been the policy of Government to nominate one member from the seat from which no representation has been obtained; for example, in the 1923 election, when the joint constituency was represented by Khan Bahadur Rahimutallah by election, the Government nominated one from Sibsagar District; similarly when our President Faznar Ali got in on the last election,—he comes from the Lakhimpur District, Khan Bahadur Rahimutallah was nominated by Government from the Sibsagar District. So Government has all along given representation either by nomination or election to both districts, but now the Muhammadan population is less than 80,000.

*The Hon'ble Mr. Justice Din Muhammad.*—Are there any such questions wherein a Mussalman of Surma Valley could not represent the Assam Valley?—Yes.

*Q.*—Will you please illustrate your reply?—The position here has been one of sharp jealousy between the two Valleys. I think you have noticed that the Province consists of only two Valleys, and the Assam Valley range of hills run from Bengal to the borders of China; there has been no point of contact, generally, between the two Valleys.

*Q.*—Have you studied the figures? I find that excluding the twelve miscellaneous seats, Assam Valley has been very favourably treated in the whole House. Even if there were any clash of interests, the Assamese will be very strong in the House.—Can you take that into account when you are laying down the principle upon which the seats are to be allotted?

Q.—You say we should not take into account the population or the voting strength.—I say there should be no uniform principle.

Q.—Do you see that the Surma population is about double that of Assam and if you be entitled to twelve seats, they will be entitled to twentyfour.—That is according to Government calculation.

Q.—That is the only calculation we have got to consider?—You must take into consideration the present practice: according to the Southborough Report 8 seats have been given for 781,000 male Muslim population of Surma Valley as against 4 seats allotted to the 189,000 male Muslims of Assam Valley; that means that one seat has been given for 47,250 male Muslims of Assam Valley as against 1 seat for 97,625 male Muslims of Surma Valley. If you follow the same principle on that line then the question of distribution merely on population basis will be unjust. That is what I have been submitting. I quite see that they have got a larger population, but I say our increase has been tremendous. In the last 20 years the average increase, so far as Surma Valley is concerned, has been 7 per cent.; the increase in the Assam Valley is 60 per cent.

Q.—Then you will be entitled to increased representation?—You must take that into consideration now; we want you to take the future into consideration and give us the benefit of the extra additions.

Q.—If you follow that principle, how will it justify the addition of one seat only?—We have been asking for 2 seats; of course, the Franchise Committee recommended only 1 seat and since the Government proposal was published the matter was discussed in the local Legislative Council and that Council, in spite of the opposition of Government Members, carried an amendment that 13 seats should be given the Assam Valley. The whole trouble lies in the fact that we have got two big districts and if you work on the population basis you will dis-enfranchise all the Muslims.

*The Chairman.*—How do you mean dis-enfranchise?—Mr. Justice Din Muhammad says that you have got to decide on the allocation of a population basis: I say that you dis-enfranchise Sibsagar and Lakhimpur.

Q.—Have you anything more to say?—I would like to bring to the attention of this Committee the Lothian Report at page 143 of Volume I, paragraph 361. From that if you turn to the Government proposals you will find the Habiganj and other places are getting a seat for 99 square miles which is much less than the standard.

*The Hon'ble Mr. Justice Din Muhammad.*—They have laid down that the average number per seat should be 10,000. If you combine Habiganj and Nabiganj it will come to 16,000. As against that, your proposal comes to 6,000 per seat?—Yes, Sir.

*The Chairman.*—Your argument is this: the Muslims of the Assam Valley have been treated generously in the past and they hope that it will be continued. You have pointed out that the developments in the Assam Valley are very large and that has been going on for 30 years and will go on probably for another 30 years: that this Committee should take that into account as our proposals may be for another 30 or 50 years: that your population is sure to increase while that of the Surma Valley is not likely to increase to any great extent?—Yes, Sir.

Q.—As regards the Upper House I do not know if there is much to be said. I think we should all deplore it if this unfortunate jealousy was transferred to the very important Federal legislature of the Secretary of State?—In the Upper House we get two out of six seats.

*The Hon'ble Mr. Justice Din Muhammad.*—What was the basis of this distribution?—I don't know. The Upper House came from Parliament although we did not want it here: the allocation was not done here.

Q.—This is merely on population basis.

*The Chairman.*—To alter it we shall have to give you half and half?—That is what I have been submitting and that principle has been accepted by the Government.

*The Hon'ble Mr. Justice Din Muhammad.*—Your contention is that this should be treated on the same basis as the Federal legislature?—Yes, Sir.

*The Chairman.*—The other side of the picture is that you have been so generously treated in the Federal legislature that you can afford to be generous in the other House. Then there is the question of the chowkidari tax. There is also the payment of local rate: a man in the Assam Valley can get a vote if he pays 8 annas local rate?—The local rate at present fixed is one anna on the rupee, so 8 annas means 8 rupees. There is no reduction on that. As you know this local rate had to be introduced for the non-revenue paying states.

*Q.*—If a man pays a rent of Rs. 7/8 he gets a vote?—Yes, Sir. There is one other point which I wish to bring forward with great diffidence, and that is for the Upper House the system of single transferable vote for the Assembly.

*The Hon'ble Mr. Justice Din Muhammad.*—That will give you one clear seat?—That is doubtful.

*The Hon'ble Mr. Justice Din Muhammad.*—No. Out of 34, if you give first preference to one of your members, you are sure to return one, whereas if you put up two candidates you cannot return a single member. The election is to be by a single transferable vote. Of course if the Assamese don't care for the interests of the valley, they run the risk of losing the seat?—So long not a single Muslim from the Assam Valley has been able to secure selection to the Assembly or the Council of State.

*The Chairman.*—Assuming they all vote honestly and fill up the ballot papers correctly, you are sure to get one seat in the Federal Assembly.

*The Hon'ble Mr. Justice Din Muhammad.*—If you fight among yourselves, you are bound to lose it—What I was going to submit is whether under the law any reservation could be made; in every other legislature reservation has been made by the Government.

*The Hon'ble Mr. Justice Din Muhammad.*—We cannot amend the schedule.

### Evidence of a Deputation from the Assam Association Consisting of—

*Srijut G. N. Bardaloi (Leader), Srijut J. N. Barua, Mr. F. Ahmed and Srijut Rajani Goswami were then examined.*

*The Chairman.*—The points you come about, I take it, are the representations made in items 40, 41 and 43 in which you claim that the Assam Valley should get more seats than have been allotted by the Government. Just tell us exactly what you think you ought to get and why? (*Srijut G. N. Bardaloi.*)—We represent the Assam Association which is a political body which represents all interests. In tendering our evidence on behalf of the Assam Association we are representing all interests. We shall also speak a word or two with regard to other matters. Our first proposition is in regard to the allotment of two more seats under certain calculations, and it comes to three under certain other calculations, including general; that is 31 and 8 or 31 and 9. The Government proposal was arrived at under Mr. Dawson's calculations. That calculation was mainly based on, I suppose, calculation of the population by excluding the Mikir Hills and tea garden coolies; and so far as Surma Valley is concerned excluding the Cachar hills and tea garden coolies. He has not taken into account the depressed classes; he takes the fixed classes into account, and again on the population basis he has allotted the depressed classes 5 seats for Surma Valley and two seats for Assam Valley.

*Q.*—That was altered from 4 to 3.—Yes; we say that is wrong. A general constituency means depressed classes, so what he ought to have done was to have taken the general population as a whole and then allotted seats and

then when the seats were allotted to have given the depressed classes seats according to their numerical strength. The reason is that after all the scheduled classes belong to the general constituency, they are part and parcel of the general Hindu population. So far as the general Hindu population is concerned reservation comes later on but the Hindu population must be taken as a whole and then after that there may be calculation according to the population of the depressed classes.

*Q.*—The whole thing comes to this; we have not been given reliable figures to show the population; we have had various figures given to us and we hope to get the correct figures ourselves.—We have taken the figures of the last census report; according to it we find the general population including reserved and unreserved comes to 40,85,000 in the two valleys; then we have 29,47,000 as the population for the Assam Valley and 11,36,000 as the Surma Valley population.

*Q.*—Have you included the backward tribes in this?—Yes, their population is 2,12,000. Now there is one submission to be made in this connection: all these backward tribes form part of the general population.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—They don't. Under the Government of India Act they are not to be entered in the general constituencies. That is true where there are reserved seats but not where there are no reserved seats.

*Q.*—Therefore we have given those backward tribes reserved seats?—Even in that case we should get 33 seats.

*The Chairman.*—Leave out the scheduled castes: taking it on the figures it is roughly 27,00,000 or if you say that is not fair make it 28,00,000 and you have 11,00,000 on the other side.—If the scheduled classes are excluded the number will be greater.

*The Hon'ble Mr. Justice Din Muhammad.*—You yourself say that your population excluding tea coolies and Mikir hills comes to 26,65,000. It must mean 27 on one side and 11 on the other. You have been given 29.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—I will put your argument like this. What you say is that for the purpose of allocation of seats between the two Valleys take into consideration the scheduled castes. There are 26 in the Assam Valley and 11 in the Surma Valley. If there are 37 to be allotted they should be divided in the proportion of 26 for the Assam Valley and 11 for the Surma Valley. Now the total is 47. That gives for the Assam Valley 33 seats. It now gets 29+3 or 32. So your argument comes to this: you want one more seat?

*The Chairman.*—They have asked for three seats.—You should take into account the Christians also. If you do not take them into account our calculation will give us 34 seats.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—How can it be? If you exclude the Indian Christians, then your number must also go down?

*The Chairman.*—How many Indian Christians are there in the Assam Valley 65,000? The total I find is 70,000.—Yes, that is the figure given.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Supposing you exclude the Indian Christian number from both Valleys. Take first the Assam Valley, then what is your figure?—The figure that I gave is excluding the Indian Christians.

*Q.*—You were just asking us to exclude their number. If they had already been excluded why introduce these complications? Well then the position is this: on the population basis including the scheduled castes people your contention is that Assam Valley is entitled to 33 seats and the Surma Valley to 14 seats. How do you say that the three scheduled caste seats should be distributed?—Our position has always been 3 seats for the Surma Valley and 4 for the Assam Valley.



*The Chairman.*—Is that or is that not based on population?—It may not be strictly on the basis of population.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Then the position comes to this: on the population basis you get one seat extra on your calculation and what happens when you come to the scheduled castes? The net result is no change. You get 2·17 so far as the scheduled castes are concerned and 4·83 for the other valley?—You will have to exclude the Nath community.

*The Hon'ble Mr. Justice Din Muhammad.*—Yes, we have done it already.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—If 33 seats are to be given for the Assam Valley then that would include the general Hindu constituency *plus* scheduled caste. Could you tell us how many there would be in each?—That you will have to calculate by excluding the scheduled castes.

*The Chairman.*—We began by suggesting that they should be excluded but you wanted that they should be taken into account. Now you want to go back on that and exclude them?

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Now will you tell me this: on your calculation 33 seats are to be allotted to the Assam Valley. These seats are made up of general Hindu seats and scheduled castes seats. How many would you put down for scheduled castes and how many for the general Hindu?—3 and 30.

*Q.*—On what basis do you give that 3?—Special claim.

*The Chairman.*—Then on the population basis you have no claim?—That may be so. We may be entitled to get extra seats by the inclusion of the tribal area and all that. But we wanted to show that by other figures how that figure is arrived. If we exclude then we get 3 extra seats. If we include and go by Mr. Dawson's figures.....

*Q.*—In allotting seats we have to take into consideration population, voting strength, area, the present existing system, boundaries for administration purposes and so on.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Take the population basis for allocating seats. Then for the general Hindu population would you not be more logical if you took the entire population? What would be the result?—We have not got that figure.

*Q.*—On the population basis Assam Valley would fare worse. And on the basis of area it fares better. We have heard the Muhammadan point of view from the Assam Valley and each of you claim to represent the Valley. From the general Hindu point of view each one has put forward a diametrically opposite view.—The Muhammadans are in a minority and they are entitled to get some weightage.

*Q.*—Would you be satisfied if the number is increased in the Assam Valley by being given one more seat to the Muhammadans? One point that strikes us is that in Assam the conflict seems to be as between one Valley and another and not as between one community and another. The Hindus and Muhammadans are acting in harmony.

*The Chairman.*—If the Muhammadans in the Assam Valley are to be given weightage because they are in a minority why not the Hindus of the Surma Valley?—I suppose they have been given weightage. As a matter of fact it is just for the purpose of harmonising the working that Mr. Dawson brought about his proposals. If we take the whole Hindus and Muhammadans on the population basis, we are entitled to 3 more seats.

*Q.*—We shall be able to get the right figures from Mr. Mullan and we shall examine the question fully.—In this connection, Sir, we want to place before your consideration the fact that our stake in the administration is more than that of the Surma Valley.....

*The Hon'ble Mr. Justice Venkatasubba Rao.*—We are not going to take that as an element?—It has got to be noted.....

*Q.*—We won't consider that.—There is another matter I would like to submit. That is in regard to the voting strength. That is not a proper basis to take.

*Q.*—If that is going to be the basis then the verdict must be against you. But your contention is that voting strength should not be the criterion as the franchise is arbitrary?—Yes. If that is accepted then I have nothing to say on that.

*The Chairman.*—We have heard that argument urged before us.

## 8. Evidence of the Surma Valley deputation consisting of:—

*Rai Bahadur Satish Chandra Datta, Babu Girindra Kumar Dev and Babu B. Bhattacharjee, Secretary, Sylhet Hindu Sabha, Babu Charu Chandra Datta, Pleader, Shillong, Babu Gopindra Lall Dass Chaudhury, M. L. C., Habiganj, Maulvi Abdul Matin Chaudhury, M. L. A., Mr. Abdus Sattar, Pleader, Shillong, and Mr. Abdul Hannan Choudhury.*

*Dated, Shillong, the 29th October 1935.*

*The Chairman.*—We have got, I understand, three lots of witnesses from the Surma Valley. The first we propose to examine will be the Sylhet Hindu Sabha led by Rai Bahadur Satish Chandra Dutta. I think the best way, as our time is limited, is for the members of this Committee to ask certain questions. By this means we will get through the work quicker. We do not want you to state your case because you have already given us a printed statement and in addition to that we have your supplementary statement. We have read them and I and my colleagues will put certain questions.—(*Rai Bahadur S. C. Dutta*)—Besides what we have stated in the printed statements and the supplementary statement, we shall want to say something and that is with reference to the last paragraph of our supplementary statement. There we refer to the principle of the distribution of seats. Our main contentions are that we are entitled to two more general unreserved seats.

*Q.*—There are 40 plus 7 reserved seats available for distribution. You say that the distribution should be according to the total general population including scheduled castes.—That is as regards 46. What I want to do is to extend the proposals in the last paragraph of the supplementary statement. It is reasonable that when the second seats are ordered for the benefit of certain castes they may be distributed according to their castes. If these 7 seats are distributed in that way they will be properly distributed.

*Mr. Justice Venkatasubba Rao.*—For the Surma Valley you have been allotted 15 seats by the Government scheme. How many do you want? We want 13 unreserved seats.

*The Hon'ble Mr. Justice Din Muhammad.*—You mean 17?—Yes.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—With reference to the figures furnished I will ask you one question. The general population of the Assam Valley is 27 lakhs odd. I want you not to question the figures; they have been compiled we understand with a good deal of care—have reason to point out that this is a variable figure.

*Q.*—That may be a point to raise on both sides. Let us start with certain data not liable to be challenged?—There is one thing I should like to mention,—really the non-Moslem population in Assam Valley is 29 lakhs.

*The Chairman.*—I think it is better to tell you that the Committee—the three of us—have definitely made up our minds that for the purpose of delimiting these constituencies we are going to take these figures. We are going to take it that the general

population of the Assam Valley exclude stating the garden population, and excluding the backward tribes and Indian Christians, taking it roughly, it is 27 lakhs : we are taking the general population of the Surma Valley on the same principle, roughly again, at 11 lakhs. Will you base your arguments on those figures ?—I only wish to explain my position that these 27 lakhs is not a fast figure ; it is variable. There are over 5 lakhs of backward tribe which must be deducted from 29 lakhs of non-Muhammadans.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—There is no use going upon that footing. Some of the backward tribes have been given a constituency and they must be deducted from the general population. But those backward tribes not so included must go into the general population ; therefore 27 lakhs is the correct figure. Let us proceed with 27 lakhs and 11 lakhs as being the population, including the scheduled castes. The seats that should be allotted to Assam Valley should then be 33 and to Surma Valley 47 minus 33 that is 14 ?—and a fraction. You are taking 40 and 7 together ?

*Q.*—Yes. Government has now allotted 32 to Assam Valley and 15 to Surma Valley. They have given you one more seat on the basis of population than you are entitled to ; what is your complaint ?—My complaint is that the distribution should be made separately as regards the 40 and the 7 seats.

*The Hon'ble Mr. Justice Din Muhammad.*—Have you studied the figures ? If that is made separately, you will lose two more seats.—The principle I urge is that in the distribution of 46 all the population should be taken into consideration.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Whether you exclude the population or include it, the result is the same ?—I say the position of the scheduled castes and the other castes are the same. The scheduled castes are not only entitled to vote but they are entitled to claim additional seats more than the reserved seats, and therefore we say in dividing 46 the total population should be taken into consideration.

*The Hon'ble Mr. Justice Din Muhammad.*—That is the first principle you want to lay down. We will consider that.—The next point is, if there is to be distribution of all the 47 seats together, then we claim in distributing both reserved seats and unreserved seats the same principle should be adopted.

*The Chairman.*—That means to say you will get perhaps one seat less on the general seats and one more perhaps for the reserved seats. You say if you take the scheduled castes according to their population, Surma Valley should get 5 out of 7 and Assam Valley 2 seats. To apply the same principle to the 40 seats—(interruption).—The same principle cannot be applied to the 40 seats.

*Q.*—Then we have got your point and there is nothing more to urge.—We say that according to the total population we should get 12 unreserved seats.

*Q.*—What population, 27 and 11 ?—Yes, Sir. 28·3 and 11·7.

*The Hon'ble Mr. Justice Din Muhammad.*—Your point is this : for 38 lakhs there are 40 seats allotted ; for 11 lakhs you will be entitled to 11·7, and the other valley will be entitled to 28·3 ?—Yes, Sir.

*The Chairman.*—I think we have heard enough. We will not trouble you further about the population. Have you any further points ?—I am urging that 7 should be distributed on one principle and 40 on another principle.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—We understand your case very well.

*The Chairman.*—I want you to consider this : would it be better to have multiple constituencies in the Surma Valley so that you should include in one district all the scheduled castes. Taking Sylhet, for instance ; at present the idea is that there should be two constituencies and in one of them there would be a scheduled caste

seat ; in Karimgunj there would be two seats and one reserved for scheduled castes. Would it be better that the whole of Karimgunj should be one constituency having one scheduled seat for the whole of the castes ? You do away with rotation ; and the same would apply to Habigunj. Would it be administratively or from the candidates point of view impossible to make the whole sub-division of Habigunj one constituency with two seats general and one seat reserved ; that is to say a multiple constituency with three seats, every voter getting three votes ?—That would perhaps be unmanageable, but I would prefer that to the present arrangement.

*Q.*—The approximate number of voters for the whole of Habigunj would be 36,000 and out of those about 13,000 would be scheduled castes. Then you would have your general constituency for Habigunj at 36,000 excluding 13,000 which leaves 23,000 general voters and 13,000 scheduled castes. You would have 2 general candidates, a panel of 4 for scheduled castes. The disadvantage, of course, is the size of the constituency and the trouble of canvassing and so on. The trouble is if you bring all the scheduled castes and give them three votes and allow them to distribute as they like the scheduled castes would have the say and *vice versa*. And of course, it applies, again, to Sunamgunj. At present there is only one reserved seat. What we prefer would be to have permanent reserved seats. We don't like the system of rotation ; and then we want to get as many scheduled castes on the register as is possible who would exercise their rights, and it has been suggested that there might be these multiple constituencies.—Habigunj has been divided into two equal parts ; if permanency is given to one side then one side will get two members and the other one member.

*Q.*—That is why I am putting up this suggestion of having a multiple constituency.—I have made another alternative suggestion that the sub-division should be divided in such a way that one part should include one-third of the population and the other part two-thirds of the population.

*Q.*—In Karimgunj how many scheduled caste voters are there ?—(*Babu Charu Chandra Dutta*) 9,000. That is in column 7. It is No. 1 Constituency.

*Q.*—I suppose there are a good many scheduled voters in Sunamganj. If you combine that you will get 29,000. That is not considered, generally, to be too big.—In Tipperah it is 28 lakhs ; they have got one general seat and one reserved seat.

*Q.*—What is the voting strength there ?—It would be more than Habigunj.

*The Hon'ble Mr. Justice Din Muhammad.*—You may be mistaken ; a sub-division cannot have 28 lakhs population.—Yes, 28 lakhs and that district area would be about the same as Sylhet. In the adjacent Mymensingh district the population is 56 lakhs ; they have got two general seats and 2 depressed seats in Mymensingh ?—(*Rai Bahadur S. C. Dutta*) We have submitted some alternatives as regards the distribution of reserved seats on the understanding that there would be no rotation. If there is no rotation we have given one suggestion ; but also the entire sub-division may be made a multiple member constituency ; then we have also something to say as to the distribution of 12 seats in Sylhet. I have made the calculation that deducting labour the total population is about 90 lakhs and divided into 12 that will give 70,000 or more population for one member : that would be : Habigunj a little below 3 : South Sylhet a little above two : Sunamganj a little above 2½.

*The Chairman.*—If you take the figure of 80,000 ?—Yes, Sir.

*Q.*—You first of all assume when you deduct the tea garden population that the Sylhet district population is 9 lakhs ?—Yes.

*Q.*—I think we better add up the population which is given here ? In column 5 the labour population has not been deducted.

*Q.*—You want to exclude the Tea garden population ?—Yes.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—If you want to exclude tea garden labour from each district then you must get those figures. It is a question of

allocating seats to each of the constituencies; that being so, we must have the figures which we have not. May I ask what is the proposal you make? Take a seat from where and give it where? We are going to give up rotation. Then without an additional seat we cannot solve the problem. We want a seat by weightage.

*Q.*—Supposing you don't get that additional seat, what is your proposal?—Then I have no proposal. I see the injustice of it according to my calculation.

*The Chairman.*—If you come to us and tell us that Sylhet Sadar is over-represented and that they should only have one seat?—(interruption).—That is not my view.

*Q.*—You don't suggest that?—No, Sir.

*Q.*—Then there is no good discussing it unless you are prepared to put up some concrete proposal. What I gather from you is that your Committee have not considered the question of the multiple constituency.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—You have understood the Chairman's suggestion. That is Karimganj has 2 unreserved seats and one reserved; and one seat has been given to constituency No. 1; instead of that the suggestion is to combine both constituencies into one,—a multi-member constituency and give it 3 seats of which one is reserved?—That will meet one of our objections.

*Q.*—You approve of it?—Yes, we approve of it.

*Evidence of Babu Charu Chunder Dutta, Pleader of Shillong was then taken.*

*The Chairman.*—What do you wish to say?—(*Babu Charu Chunder Dutta.*) With regard to the population Rai Bahadur S. C. Dutta has traversed that ground and I do not propose to go over it. With regard to the voting strength, I have submitted that Surma Valley is entitled to one more seat on the voting strength. With regard to the depressed classes, on the population basis, they are entitled to one more seat. As regards the multiple constituency I entirely agree. With regard to Shillong, the reforms were introduced in 1912—(interruption).

*Q.*—What has Shillong got to do with the Surma Valley?—That is a point I have referred to in my memorandum. I want to submit to you that Shillong has been an urban constituency since the reforms have been in existence.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—If you want to make Shillong an urban constituency are you going to allot it one seat?—Yes.

*Q.*—For a population of 21,000 you want to have one seat, whereas the basis of the calculation is for a population of one lakh one seat is being allotted. How can you get one seat for Shillong?—You will find from this paper that 58,000 has got one seat.

*Q.*—That does not make your argument good.—It is reasonable from this report. Here 44,000 Muhammadans have got one seat. (I am referring to page 5 of the proposals.)

*The Chairman.*—Do you want us to take one seat away from Assam Valley and give it to Shillong?—Yes.

*The Hon'ble Mr. Justice Din Muhammad.*—Which community will surrender that extra urban seat?—No body will surrender a seat.

*The Chairman.*—Your case is that in the Assam Valley some seats are given to comparatively small populations? That is in the case of Muslims?—Yes.

*Q.*—Yet you are talking of a general urban seat?—Yes, Sir.

*Q.*—That is quite different. I don't think that argument holds water.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—There is not one constituency in the Assam Valley where for a population of 40,000 a seat has been allotted. I don't think we can admit that at all. An urban seat for Shillong is absolutely inadmissible.

## V.—SCHEDULED CASTES.

## Madras.

**9. Memorandum, dated the 4th September 1935, of M. R. Ry. J. Sivashanmugam Pillai, M.A., Municipal Councillor, Nungambakam, Madras.**

The Delimitation Committee has recommended single-member constituencies in general and dual-member constituencies wherever a seat for the depressed classes is to be reserved. Further in these dual-member constituencies cumulative system of voting has been recommended. This system is better and more advantageous from the point of view of the depressed classes than the distributive system of voting and the single non-transferable vote.

But Government curiously “did not accept the recommendation that the cumulative system of voting should be adopted in two-member constituencies. They prefer the single non-transferable vote”.

The signatories to the minute of dissent say “the cumulative vote will in our opinion, aggravate the communal tendency as each group or sub-community is likely to plump all votes for its own caste candidate. There is no need for protection by a cumulative vote in the case of the scheduled castes to whom seats are reserved”.

The signatories seem to think that the cumulative vote would perpetuate caste system. Under the Montagu-Chelmsford Reforms we have the system of distributive voting. Those of us who were present during the time of counting of votes in the last two general elections know what had happened in the elections. In the City of Madras each voter can vote for four candidates (as there are four seats) but some candidates received single votes. The Mudaliyar candidate who contested the election in the last general election received about one thousand single votes, that is, the Mudaliyar voters instead of giving votes to four candidates gave one vote to their caste candidate and abstained from voting to others. So also the Arya Vaisya voters and the Nayudu voters. In the first general election which was held under the present reforms, this system of giving single vote was very palpable. In it two Brahmans contested the election and at that time the non-Brahman party's influence was at its height. The Brahman voters instead of exercising four votes gave only two votes to their castemen and abstained from giving to other candidates. If they had not done it the Brahman candidates would not have succeeded. Further seats being reserved for non-Brahmans, the Brahman candidates and their workers actually told the voters that they should vote for them alone, and whether they voted for non-Brahman candidates or not the non-Brahman candidates would succeed to the extent of the reserved seats. This practice of giving single vote is seen more among enlightened and educated voters than among ignorant voters. I write this to inform those critics who think that cumulative system of voting will perpetuate caste system and “aggravate the communal tendency as each group or sub-community is likely to plump all votes for its own caste candidate”. I wish to inform the critics that as long as caste system exists whether cumulative voting or distributive voting or single voting is introduced this mentality of giving votes to their own caste men will exist. This mentality is not the cause of the method or system of voting introduced but it is the effect or the result of the caste system itself. So in order to remove this mentality, everybody should strike at the cause, namely, the caste system. Now I think I have exploded the idea that the cumulative system voting will create communal tendency.

The second argument adduced against it is “that there is no need for protection by a cumulative vote in the case of the scheduled castes to whom seats are reserved”.

No doubt seats are reserved for the depressed classes and thirty depressed class men will sit in the new reformed council. But the thing is, whether the thirty depressed class men would be those who possess the full confidence of the depressed class voters. The depressed class voters even after ten per cent. of their population is enfranchised (as is recommended by the Lothian Committee) form a microscopic minority in the caste Hindu voters. In the City of Madras about seven thousands of the depressed classes and about eighty thousands of caste-Hindus are enfranchised,

so the proportion is, that out of 87 Hindu voters seven are depressed classes. The power or the voice or the influence of the depressed class voters on the depressed class candidates will be negligible if cumulative voting is not granted.

Now comes the question, what about the primary election? I say the primary election is a farce. The panel is so wide—I mean four being the panel—that in no constituency the primary election will take place. If five candidates or more than five compete for a single seat the primary election will take place. Even among the caste Hindus who are stronger in wealth and education than the depressed classes we don't see five candidates fighting for a single seat. So far, nowhere in India have we seen this phenomenon. In the last general election about nine candidates contested the four seats in the City of Madras. Further after the success in the primary election the depressed class candidates have to face a joint election. In the joint election the parties in India will set up their caste Hindu candidates. If success is necessary and if the depressed class candidate has an opponent he will have to identify himself with a party and join hands with a caste Hindu candidate and face the election. Without joining or identifying with a party it is impossible to succeed in a joint election. As far as this Presidency is concerned we have two prominent parties. For the sake of argument if we admit that a primary election will take place, then also, all the four successful candidates cannot fight the joint election. Only two can face the joint election, owing to the reasons I have mentioned above. So the primary election will not take place and it is a farce, and the depressed class candidates will have to face directly the joint election.

As the primary election being a farce and as the depressed class voters form a microscopic minority if cumulative system of voting is not introduced and if distributive system is introduced, it is impossible for the depressed class candidates who possess the confidence of the depressed class voters to succeed. I wish to draw the attention of the Committee that prominent politicians of the Congress and the Justice have announced their intention to set up depressed class candidates as their party candidates for the reserved seats. In the face of this announcement if the Government desires to see that the power and the influence of the depressed class voters is to be felt by the depressed class candidates it should do away with the distributive system of voting and introduce cumulative system of voting.

Secondly, the reason why I prefer cumulative vote is that it gives protection to sub-communities. For instance, the Arya Vaisya community.

Some think that as soon as cumulative vote is introduced the voters would rush to polling booths and plump their votes on a single candidate. But it is not the case. Only when a sub-community comes to know that other castes won't vote for the candidate belonging to that community then the voters of that community may plump their votes on its candidate. For instance, if an Arya Vaisya candidate is opposed by candidates belonging to other castes and if voters are prejudiced against the Arya Vaisya candidate simply because he belongs to that caste, then the Arya Vaisya voters may plump their votes on their caste candidate. I have mentioned a similar case which took place in the first election under the Montagu-Chelmsford Reforms. For instance during the first general election the anti-Brahman feeling was prevalent in this city then the Brahman voters gave single vote to their caste candidates. Brahmans being enlightened and educated people they have done this and this cannot be copied by other castes who are not enlightened. For them only cumulative voting will give protection and voters who are not educated will understand it more clearly than other forms of voting.

Now comes the question whether this protection cannot be achieved by the single non-transferable vote. It can be achieved but the cumulative vote is more democratic than the single non-transferable vote.

Further the cumulative system is not against the spirit of the Poona Pact.

In the cumulative system of voting the good elements or good points found in the distributive system and the single non-transferable voting system are seen and it eliminates the bad points seen in the distributive and the single non-transferable voting systems. In short cumulative vote gives more liberty than the other two

systems. For, if cumulative system is adopted a voter is at liberty either to distribute his votes as he likes, or to give single vote to his favourite candidate or to plump his votes to his favourite candidate.

Though I favour cumulative system of voting I am not against single non-transferable vote. If cumulative vote does not find favour with the Government the depressed classes prefer single non-transferable vote.

But the depressed classes are against the distributive system of voting for it won't help them much to bring to the legislature men who possess their confidence. Mr. M. C. Rajah in his memorandum, a translation of which has been published in the *Tamil Nadu*, says that the single non-transferable vote will not be clear to the depressed classes. But his opinion is not a fact. Further he is of opinion that if single non-transferable vote is given then the caste Hindu landlords would ask the depressed classes to cast their votes in favour of 'non-depressed class candidates'. Mr. Rajah has let the cat out of the bag. It is this influence of the caste-Hindu landlords over the depressed classes that made the depressed classes of this Presidency as a whole to demand 'separate electorate' and to oppose the Poona Pact.

Mr. M. C. Rajah has forgotten that seats are reserved for the depressed classes. The competition is not between the depressed class candidates and the caste-Hindu candidates but between candidates belonging to the depressed class itself; so as regards reserved seats, votes secured by the caste-Hindu candidates won't affect the depressed class candidates in any way. Whether the people give votes to the depressed class candidates or not, thirty depressed class members will sit in the legislature.

Secondly, it is in the distributive system of voting that the influence of the caste-Hindu landlords will be greater. During the first election under the Montagu-Chelmsford Reforms the Brahman candidates and their workers went from house to house in this City and told the non-Brahman voters as two seats being reserved for non-Brahmans, two non-Brahmans would enter the Council, so they requested them to vote for the Brahman candidates.

So, seats being reserved for the depressed classes, the other castes would naturally request the depressed class voters to cast their votes in their favour alone. Further as long as the depressed classes are economically dependent on the caste-Hindus so long they will be politically dependent on them.

Whatever system of voting is given to the depressed classes—distributive, cumulative, single non-transferable—the economic dependence of the depressed classes will make them to listen to the words of their landlords. So Mr. M. C. Rajah's contention that single non-transferable vote will make the depressed classes to vote as their landlords bid them to do is not correct.

Once again I wish to inform the Committee that the depressed classes consider the cumulative vote as the best one, and if they fail to secure it, they prefer single non-transferable vote to distributive vote. All the depressed classes are against distributive voting system.

II. *Number of seats for Madras.*—In the City of Madras there are about seventy thousand Adi-Dravidas. Here Adi-Dravidas are more enlightened than their caste-men in the districts, and in the City the Adi-Dravidas are not economically dependent on the caste-Hindus, so they vote with a kind of freedom which is absent among the depressed classes of the districts. Further the depressed classes of the City being superior to the mufassal Adi-Dravidas in wealth and education, people will not be surprised to see a large number of them contesting the elections in the City.

If it is the desire of the Government to have in the legislature independent educated Adi-Dravidas, the Government should assign three seats in the City for the Adi-Dravidas. At present out of the ten depressed class M. L. Cs. six belong to the City.

III. *Freedom to withdraw.*—The third thing which the depressed classes desire is the freedom to withdraw from the election contest at any time. The Government's opinion that those who contest the primary election should not withdraw their candidature till the results of the general election is published is against the desire of the depressed classes and it interferes with their freedom.



To sum up, the depressed classes want cumulative system of voting and if the Government is against it they prefer single non-transferable vote *but they are against the distributive system.*

2. In the City three seats should be allotted to the depressed classes.

3. The depressed class candidates should be allowed to withdraw from the election contest at any time.

I wish to inform the Central Committee that if they desire to ask me oral evidence I am willing to give. On behalf of the depressed classes I have given oral evidence before the Simon Commission, the Labour Commission and the Lothian Committee.

*Extract from a letter to the newspaper "Justice" by Mr. J. Sivashanmugam Pillai, Madras.*

Mr. M. C. Rajah in his Memorandum to the Provincial Delimitation Committee says that if the single non-transferable vote is granted, the caste-Hindu landlords would ask the depressed classes to cast their votes in favour of non depressed class candidates. The above sentence emphasises the fact that the caste Hindu landlords have considerable influence over the depressed class voters. It is the fear of this influence which has made all the patriotic depressed class who look to the welfare of the depressed classes to oppose the Poona Pact and joint election. The eminent Premier, I mean Mr. Ramsay MacDonald, knowing this, made the depressed classes independent of the caste Hindu voters, but made the caste Hindus dependent on the depressed class voters. In other words, he gave separate electorate for the depressed classes and voting power in the joint election, which was not given to Muslims and Christians. I ask Mr. Rajah what if the caste Hindu landlords compel the depressed class voters to cast their votes for a non-depressed class candidate. In what way does it affect the depressed class candidates? Does not Mr. Rajah know that seats are reserved for the depressed classes, and in what way do the votes secured by the caste Hindu candidates affect the depressed class candidates who stand for reserved seats? No doubt votes secured by the caste Hindu candidates would affect the depressed class candidates adversely if the depressed class candidates contest a non-reserved seat. How many of the depressed classes are going to contest the non-reserved seats? Mr. Rajah who admires the Poona Pact, should contest a non-reserved seat, and show to the world whether the caste Hindus are showing towards the depressed classes real sympathy or lip sympathy. If Mr. Bhasyam has real sympathy for the depressed classes, I hope he will induce the Congress to set up depressed class men in the non-reserved seats and bring them to the council.

Mr. Rajah wants to oppose the single non-transferable vote as in his opinion "it is against the spirit of the Poona Pact". I cannot understand why Mr. Rajah alone should be on the alert to keep the spirit of the Pact, when the caste Hindus do not care to do so. Mr. Rajah was not present during the deliberations of the Pact, so I wish to inform him about it. The representatives of the caste Hindus and the depressed classes met at Poona to arrive at a settlement. There was much higgling and haggling about seats. Even after two days deliberations no compromise was arrived at. On the second day, at about 8 p. m. Mr. Devadass Gandhi rushed to the room where the representatives were sitting and made a scene. In the presence of the representatives he began to weep. Mr. Rajagopalachariar and others comforted him. Then he stood up and with tears in his eyes addressed Dr. Ambedkar as follows: "Oh doctor, is your heart made of stone? My father is in a precarious condition. He is vomiting and his head is shaking. You do not know what he is going to do for your community. He is going to have another fast for the sake of the depressed classes. Please save his life". There was not a soul in that hall which was not moved by his passionate speech. The very next day the Pact was concluded. Before it was concluded, the leaders of the caste Hindus assured the depressed class leaders that on their part they would do all that was possible to remove untouchability. I think one of the clauses of the Pact was that the depressed classes should enjoy all the primary rights such as walking in public roads, taking water from public tanks like the other caste Hindus,

I wish to know whether the caste Hindus on their part kept the spirit of the Pact by giving to the depressed classes the abovementioned primary rights. Two years ago the Pact was concluded and I wish to know whether the position of the depressed classes has improved by an hair's breadth. How many temples were thrown open to us? What has become of Mr. Gandhi's second fast for temple entry? Has the second fast any effect on the caste Hindus?

Am I wrong when I say that the social and political position of the depressed classes has become worse than what it was before the conclusion of the Poona Pact? Almost everyday we read in papers about some aggrandisement and high-handed action of the caste Hindus. When the caste Hindus do not care to keep their promise, why should Mr. Rajah alone stand as the champion of the Poona Pact? If Mr. Rajah has said that the single non-transferable vote is against the interests of the depressed classes, there is some meaning in it. He knows that the single non-transferable vote is beneficial to the depressed classes, for it helps them to send to the council men who possess their confidence.

### 10. Evidence of Rao Bahadur M. C. Rajah, M.L.A.

*Madras, dated the 26th November 1935.*

*The Chairman:* You are Rao Bahadur M. C. Rajah?—Yes, Sir.

*The Hon'ble Mr. Justice Din Muhammad:* You have two other companions also?—Yes, but I received information only very late last night to appear before the Committee and I had no time to intimate to them; and so they are not coming.

*Q.*—You are opposed to the single non-transferable vote?—Yes, Sir.

*The Chairman:* Why?—Because it cuts at the very root of the Poona Pact. The single non-transferable vote is nothing but a double-distilled separate electorate.

*The Hon'ble Mr. Justice Din Muhammad:* You are also opposed to the cumulative method of voting?—Yes.

*Q.*—You would then recommend the distributive system of voting?—Yes.

*The Chairman:* Why? Is that in order to arrange for the representation of smaller sub-castes among the scheduled castes or for what?—We prefer distributive voting because it has been in existence in this Presidency for over 15 years ever since the Montagu-Chelmsford Reforms not only with regard to elections to the Madras Legislative Council, but also in regard to elections to local boards, and municipalities, and also in regard to Union Panchayat elections. That system has been working very well and in the matter of elections to local bodies we have got reservation of seats in the joint electorates as we would have for the coming elections to the Madras Legislative Assembly.

*The Hon'ble Mr. Justice Venkatasubba Rao:* I want to understand this. From the point of view of the scheduled castes, you say you prefer the distributive method of voting to either the single non-transferable or the cumulative method of voting?—Yes, that is the best system. First, because the scheduled classes here are accustomed to this method of voting for so long.

*Q.*—In regard to elections to local boards also?—Yes.

*Q.*—Can you tell me any other reason for that view of yours?—There is another reason also. I have stated that in my written statement.

*Q.*—I have read that, but I want to know from you why you advocate the distributive method of voting as against the cumulative system of voting. Take it from me that so far as I am concerned, I strongly feel that the single non-transferable system is a bad system. Therefore my difficulty is as between the cumulative and the distributive methods. That is why I emphasise the distinction between these two systems of voting. Why do you

advocate the distributive method ?—I shall try to explain my position to the best of my ability. The single non-transferable vote and the cumulative system of voting are almost the same.

Q.—The single non-transferable vote and the cumulative vote, mathematically lead to the same result ?—Exactly.

Q.—I may be made to say that the single non-transferable vote and the cumulative vote lead to the same result. But in the single non-transferable system you compel every voter to record only one vote notwithstanding that there are many seats. Under the cumulative method you don't compel every voter to plump all his votes in favour of any one particular candidate ?—We don't do it.

Q.—That is why I am trying to lead up to the point. Cumulative and single non-transferable voting may be so worked as to lead in practice to the same result. True, but under the cumulative system, a man has got the option either to distribute or plump all his votes. Why do you say that the cumulative is as bad as the single non-transferable vote ?—Although you may think that the cumulative system is not compulsory, yet taking the conditions as they exist in our province and our former experience in elections, it will become compulsory.

*The Chairman* : Why ?—Though in theory it is not compulsory, it will become compulsory in actual practice.

Q.—Because it will give greater incentive for the voter to sell his votes and greater encouragement for a rich man to buy up all the votes ?—I shall explain it, Sir. If this system is to be adopted and if you are going to reserve seats for depressed classes in dual-member constituencies ; and where there are two seats, one for a scheduled caste candidate and another for a caste Hindu candidate, you are not going to expect only two candidates for these two seats, but there may be more candidates. Take for instance the caste Hindu seat. There will be two or three candidates contesting the seat and each man will try to vie with one another to get as many votes as possible to get himself elected, whatever may happen to the depressed class candidate. Therefore, as conditions exist in the rural areas of this province, it is very probable that the rich *mirasdars* who are likely to stand as candidates for these elections will buy up all the votes of the depressed classes and ask the depressed class voters to plump all the votes for the caste Hindu candidates.

Q.—Supposing you take an extreme case. Even if the caste Hindu candidate buys up all the votes and if there is only one depressed class candidate, will not the whole community vote for their man ; and then he will be returned for that reserved seat ?—Then there is no use in having the Poona Pact also in existence, because it will become virtually a separate electorate wherein the caste Hindu will not exercise his vote in favour of the depressed class candidate.

Q.—According to you, what you say is—and my impression also is, that the Poona Pact was brought into existence in order to bring the higher caste Hindus and the Harijans together and to keep them as a happy family. That is the idea of the Poona Pact. Is it not ?—Yes, to keep them together by means of a system of common voting. That means the depressed class voters will have to exercise their franchise in favour of a caste Hindu and the caste Hindus to exercise their franchise in favour of the depressed class candidate and thereby bring harmony between these two communities.

Q.—What is the system of voting which will make that just possible ?—Yes, Sir. I will tell you. We want a system of voting which will make that possible.

Q.—But according to your evidence, so far as I have gathered, any system we may devise will be rendered impossible owing to corruption which, as you say, exists ?—But there are grades of corruption.

Q.—You say there are grades of corruption ?—Yes.

Q.—So, you are asking us to infer that because a man has two votes, the corruption is very much more than what it would be if he had only one vote ?—Yes.

But we are not going to drive out corruption altogether. It will take a very very long time to do so, but at the same time, we must try our best to keep corruption at the lowest possible limit. This corruption will increase if there is the cumulative system to the highest, and if there is the single non-transferable system it will probably be less because the voter can give one vote to one candidate and not more than that.

Q.—So, you would rather have the single non-transferable vote?—No, Sir. Under this, corruption will be greater than what it would be under the distributing voting system. Apart from that, single non-transferable voting system is, as I have already stated, virtually a double-distilled separate electorate.

Q.—So far as I can see from the statement prepared, in this province, wherever you have a reserved seat, the caste Hindu would be in a very great majority, i.e., something like 12,000 caste Hindu voters and 4,000 voters of the scheduled castes. That is about right?—Yes.

Q.—The proportion will be about 3 or 4 to one?—Yes.

Q.—In that event, it seems to me, it is not likely that the caste Hindus will be anxious to buy up all the votes of the Harijans. Supposing 'A' a caste Hindu tries to get hold of a Harijan candidate and 'B' another caste Hindu will put up another Harijan friend of his to support him, so that they may work together?—That is in theory, but that won't be in practice at all, because the caste Hindu will be anxious to get as many votes as possible to get his seat ensured. But if you restrict it to one vote to each candidate, corruption will be at the lowest. Then there will be cordiality between the caste Hindu and the depressed classes, because the caste Hindu will give one vote to the caste Hindu candidate and give the other vote to the depressed class candidate and *vice versa*. That is the very essence of the Poona Pact.

Q.—It is rather distressing?—I am giving it out of my experience and on actual practice.

Q.—It is little disappointing to find that the joining of the high caste Hindu and the Harijan candidate, according to you is going to be a matter of corruption and spending money?—That is human nature everywhere. It is not because he wants to keep out the Harijan candidate that he is doing it, but because he is anxious to get himself elected.

Q.—So, you think, in his anxiety to get himself elected, the caste Hindu candidate will buy up all the depressed class votes, and you are afraid the scheduled caste people will respond?—Yes, Sir, they are economically backward.

Q.—In this province will there be a large number of candidates coming forward?—Yes, there is likely to be.

Q.—What do you think is the deposit that we should put down for a depressed class candidate?—It should be a little less than the deposits of other classes of candidates.

Q.—The ordinary candidate pay Rs. 250?—I think in the case of depressed class candidates Rs. 100, will be sufficient.

Q.—We thought Rs. 50 would do?—I have no objection to that, Sir.

Q.—Even then, we are told in other provinces, there is no chance of real depressed class candidates coming forward.—Here, it is not so. But I think there must be a deposit; otherwise every man will come forward, and give a lot of trouble to the other candidates.

Q.—You know this province. It has been suggested to us, even if you put the deposit at Rs. 50, in some places where reserved seats have been allotted, it may not be possible for depressed class candidates to come forward to contest the elections?—I do not think so. In this province, in each and every district there are local boards and municipalities and Union Panchayats, and in all these bodies you have got elected representatives of the depressed classes, and, they will all try to stand for elections to the Legislative Assembly.

Q.—We have been told that in some places, the only chance of getting a Harijan candidate will be if some wealthier member of the Hindu community pays his deposit, pays his election expenses, and helps him in canvassing and so on?—There may be places like that, but that won't be universal. In this province the depressed classes are very well advanced.

Q.—They have got an organisation?—Yes.

Q.—The next point I would like to put to you is this. You have the primary election as a result of the Poona Pact. It is really a substitute for nomination?—Yes.

Q.—Supposing after the panel election there is a dispute the candidate who is not successful puts in a protest and says that his friends were not allowed to exercise their vote, or there was intimidation or bribery. What should be done in such a case?—There should be an enquiry.

Q.—You mean a summary enquiry?—Yes, but it must be before the final election.

Q.—Supposing it is found that there had been intimidation, you would have another election?—Yes, but there should be time for that and it should be before the final election.

Q.—Supposing for the sake of argument, you are going to start your general elections in this Presidency, say in the middle of January—making allowance for the Christmas and other intervening holidays—you would have your primary election for the panel seats in the first week of November?—Certainly, it ought to be at least two months previous to the final elections.

Q.—Then there will have to be a real summary procedure and the returning officer or the sub-divisional officer or the district magistrate or whoever it may be, will have to go to the place, make enquiries, see the presiding or the polling officer and find out whether the election was good or bad?—Yes.

Q.—What do you think the deposit should be for such objection petitions?—Say, Rs. 50 for that.

*The Hon'ble Mr. Justice Din Muhammad:* Do you think it would be prohibitive?—No, it would not be.

Q.—Don't you think that in order to put a stop to frivolous objections, the deposit should be made prohibitive?—The depressed classes are not so economically advanced. That is why I suggested Rs. 50.

Q.—Will they not then run the risk of being elbowed out by the caste Hindus?—I don't think.

*The Chairman:* I think Rs. 50 for the primary election and Rs. 100 for the objection petitions would be proper? Do you agree?—Yes.

Q.—Supposing there has been an election and that all the four men have been elected to the panel. What about withdrawal?—If a candidate wishes to withdraw he can withdraw in the interests of the community.

Q.—Of course he can withdraw within the time allotted that is to say, within 24 hours; and if he withdraws after that time, he forfeits his deposit of Rs. 50?—Yes.

Q.—That is the only way by which you can stop collusive withdrawals?—Yes.

Q.—It was suggested that if the returning officer within a week after the primary election finds that only three candidates are forthcoming and wants to get a fourth candidate in order to fulfil the condition in the Poona Pact, what should be done?—It is not necessary that four should stand for the panel election.

Q.—It is not necessary, but it is desirable?—If only two stand for the panel election and the other two do not turn up, it becomes final.

Q.—But the Poona Pact mentions four?—That is the maximum and not the minimum.

Q.—We are disposed to regard that as the optimum. That is the idea of the Poona Pact, I suppose?—If there is only one man, then he becomes a pucca representative of the depressed classes. It is as much as nomination by the community itself. If, therefore one stands he becomes the genuine representative of the community and therefore it is very desirable that the number should be as low as possible.

*The Hon'ble Mr. Justice Din Muhammad:* Did you refer this point to Mahatma Gandhi, I mean this clause in the Poona Pact?—I have not approached him, but I was also a member of the committee when the Poona Pact was discussed. I was present when it was drafted. I believe it was the intention.

*The Chairman:* You say, it is all the better if one stands?—Yes.

Q.—Then what happens to your desire that the high castes should have an opportunity of voting for the Harijans?—That is only an extreme case I am telling you. I have already stated that many will stand for election, for instance the members of the local boards and municipalities and Union panchayats will all try to get into the councils. There will be an election whether you put it at the maximum or the minimum.

*The Hon'ble Mr. Justice Venkatasubba Rao.* As regards the rival methods of voting, the difficulty we feel is this. Take for instance the panel candidates. We start with the assumption that all panel candidates command the confidence of the scheduled caste people?—Yes.

Q.—But as between the panel candidates, one may command in a greater measure that confidence?—Yes.

Q.—Now, supposing you want to ensure the return of a man who commands the greatest confidence on the part of the scheduled caste people?—Yes.

Q.—By the distributive method of voting, do you think that the man who enjoys the greatest confidence of the community will be returned?—That is exactly the point. I am very glad you put that question. By the distributive method, you will be able to get that candidate in, but by the cumulative method, you won't get such a candidate at all.

Q.—I will put the difficulty in this way. If a large number of caste Hindu voters concentrate upon a particular panel candidate, they can see that he is returned as against a panel candidate who is favoured in a greater measure by the scheduled caste people, under the distributive method of voting?—Under the distributive method of voting, it is possible that the most-favoured candidate will have the best chance.

Q.—If he is favoured by the scheduled classes?—Yes.

Q.—I will put the case in this way. There are 4,000 scheduled caste voters. One thousand voters favour the panel candidate A, and the remaining 3,000 favour the other panel candidate B. There is a large body of 12,000 or so caste Hindu voters. They find some votes to spare after giving votes to the caste Hindu candidate. If all of them combine and vote for the scheduled caste candidate B, the man least favoured by the scheduled castes themselves, would come in?—In the distributive method, as you have said, all the 4,000 would vote for A.

Q.—Out of the 4,000, 3,000 will vote for their favourite candidate B?—Yes. Then by the distribution of votes from the caste Hindus, he will be able to get through.

Q.—If the caste Hindus are inclined to vote for A, the number will swell, that is, when all the Hindus will combine together and vote for the least favoured man.—I follow your argument. Under the cumulative method of voting, A will not get even the 3,000 votes of his caste men because they will all be plumped for the caste Hindu candidate. Under the distributive method one would not be able to sell his vote.

*The Chairman:* Under the distributive method, would not people be able to sell their second votes? Under the cumulative system you think probably a little

more money can be made?—Yes, only if you give him the chance of selling his vote.

*Q.*—The temptation is there. There is the God-sent opportunity to sell votes?—Among the high caste Hindus also.

*The Hon'ble Mr. Justice Venkatasubba Rao :* I am still unable to understand you. I am not convinced that distributive is the proper system. Would there not be a similar temptation even if he has only one vote to sell?—That is why I am against the single non-transferable vote.

*Q.*—Even under the distributive system is there not a similar risk?—No. A voter must give one vote to the caste man and one vote to the scheduled caste candidate.

*Q.*—You say there is not the same risk?—There is no risk at all. That is why I prefer it.

*Q.*—Under the distributive system as it obtains in Madras, a man may give both his votes to caste Hindu or to the scheduled caste candidates?—No.

*Q.*—Take the local board elections. There is a Scheduled caste seat reserved. A man may cast both his votes to a caste Hindu or he may give one vote for the caste Hindu and one vote for the scheduled caste man. Or, let us take this case. There are two caste Hindus, A and B and two scheduled caste men C and D?—There is only reservation for one scheduled caste man.

*Q.*—A man may go to the poll and give both his votes to A, or to A and B, or C and D and so on. All that is possible.—But he must give one vote to a scheduled caste man and the other to a caste Hindu.

*The Chairman :* Cannot he give one vote to one scheduled caste candidate and another vote to another scheduled caste candidate?—If there are two seats.

*Q.*—Although one seat is reserved for a scheduled caste man, a man might record his two votes for the two scheduled caste candidates.—No.

*Q.*—That is the system prevailing, I suppose? Mr. Muttayya Mudaliyar says it is.—If there are two caste Hindus standing, you can give vote only for one of them.

*The Hon'ble Mr. Justice Venkatasubba Rao :* Suppose A and B are caste Hindu candidates and X and Y are scheduled caste candidates. There are only two seats, one reserved and one non-reserved. I am a voter, I give both the votes to scheduled caste men. Can I not do so? I think there are instances in Madras where both the seats have been captured by scheduled caste people?—No.

*Q.*—I believe under the present system, I can cast both my votes to the scheduled caste candidates, X and Y?—You can cast your two votes to A and Y.

*Q.*—Or for A and B?—No.

*Q.*—You say it must be A and X or B and Y?—That is the case.

*Q.*—Mr. Bose says that is not the case?—That is not so. I am positive about it.

*The Chairman :* Take the case of Bengal. There are large numbers of Harijans. If in a particular constituency they want to make their candidates X and Y top the polls, they would all vote for X for the reserved seat and for Y for the non-reserved seat and thus get them elected?—First of all, when we present our nomination papers, we have to state to what, reserved or non-reserved seat, we are standing.

*Q.*—Even if you are a Harijan you must do that?—I would request you to examine the question.

*The Hon'ble Mr. Justice Venkatasubba Rao :* Reservation is there for the benefit of the scheduled castes. They are not under a disability. The idea of reserving a seat is meant to enable the scheduled castes to get the minimum of one seat. Nothing prevents them from getting both the seats, the reserved

as well as the non-reserved seat?—But, Sir, unless a candidate says in his nomination paper for what seat he is standing, he cannot stand at all.

*The Chairman*: Supposing you are one of the 4 candidates in a panel. You say that under this arrangement only one candidate can be elected for the reserved seat and that for the non-reserved seat, the other three in the panel are not eligible?—No. When I stand for the reserved seat, I must say so in my nomination paper. If, similarly, I am standing for the general seat, I must state that in my nomination paper. Surely that is against the Poona Pact?

*The Hon'ble Mr. Justice Venkatasubba Rao*: Hereafter, under the Government of India Act, if four candidates are standing, it need not necessarily be for the reserved seat. There is nothing to prevent two candidates heading the poll and defeating the caste Hindu candidates. There is nothing to prevent that under the present Act?—I understand that.

*The Hon'ble Mr. Justice Din Muhammad*: Is it a fact, Rao Bahadur, that there are some responsible representatives of the depressed classes who do not see eye to eye with you in this matter?—In no community that is different.

*Q.*—I do not want a sermon. I want a reply. Which section of the depressed classes do you represent? Some gentlemen appeared before us saying that they represented one section?—I represent all the sections. I do not make any difference between one section and another.

*Q.*—Which section is represented by Messrs. Siva Raj and Dharmalingam Pillai?—They also represent the same section, but they hold different views probably.

*Q.*—You want to combine Saidapet with Chingleput?—Yes.

*Q.*—You say that Saidapet will not be included in Madras and that the Madras Corporation has rejected that proposal and Government have based their conclusion on that contingency and that therefore we must reconsider that matter?—Even if Saidapet town is to be amalgamated with Madras, Saidapet sub-division stands first in point of population. I will explain it in my supplementary note.

*The Chairman*: Had you any discussion with Dr. Ambedkar on the method of voting?—No, Sir.

# 11. Evidence of Rao Sahib N. Siva Raj, M.L.C., Mr. P. V. Rajagopala Pillai, M.L.C. and Mr. Sivashanmugham Pillai, M.A.

*Madras, dated the 26th November 1935.*

*The Chairman.*—As regards the method of voting, you say in your written statement, that you would prefer cumulative voting, but that if the Government still maintain that there would be a large number of spoiled ballot papers the next best thing is single non-transferable vote, but not the distributive method. I do not understand why there should be any spoiled ballot papers?—(*Mr. Sivaraaj*) We too do not understand it.

*Q.*—Why do you dislike the distributive system?—We dislike it because we have had the advantage of working it all these 15 years, and we have found that it is not beneficial to us.

*Q.*—In the local board elections?—In all elections. We have found that it has not helped us at all. As a matter of fact we started the agitation for separate electorate after our experience of that system, and Mr. Rajah himself demanded it at one time.

*Q.*—Separate electorate does not hold the field now?—It was there in the Premier's first Award.



Q.—That was set aside in favour of the arrangement made in the Poona Pact. Why do you condemn the distributive vote?—We are afraid that the caste Hindus would never cast their votes in our favour, and even if they do, they will only vote in favour of the person who may not be a representative of the scheduled castes themselves and who would be most acceptable to the caste Hindus and least acceptable to us.

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Q.—In every constituency where a seat is reserved, you will have say, 4,000 scheduled caste voters and anything from 12,000 to 20,000 caste Hindu voters for the non-reserved seat?—That is so.

Q.—If we say, we give you two ballot papers, you can give only one vote to the non-reserved, even then the caste Hindus will dominate the election?—That follows.

Q.—Do you think you can stop that and get in your scheduled caste candidate by plumping your votes?—Yes.

Q.—You say that you have no objection to the single non-transferable vote?—Yes. On that question my friend Mr. Sivashanmugham has given a lengthy memorandum at page 47 of the printed memoranda. That really contains all the arguments for the cumulative voting and against the distributive voting.

Q.—You heard just now the evidence of Mr. M. C. Rajah wherein he said that if you have more than one vote and have the cumulative system, votes will be sold?—We have to protest against it. My friend Mr. Sivashanmugham has answered that point at page 49 of the memorandum. He says there that the depressed classes are against the distributive system. Mr. Rajah says in his memorandum—a translation of which has been published in the 'Tamil Nadu', that the single non-transferable vote will not be clear to the depressed classes and that if the single non-transferable vote is given, the caste Hindu landlord would ask the depressed classes to cast their votes in favour of the non-depressed class candidate. There Mr. Rajah has let the cat out of the bag.

*The Hon'ble Mr. Justice Din Muhammad.*—Another advantage you claim is that some of your minority communities will have some chance of representation under the cumulative vote?—Sir, at times the elections are so keenly contested that almost every vote is sought by the candidates, and we are afraid some depressed class votes may even be tampered with. If we have the cumulative system, we will have an advantage.

Q.—You have not got the cumulative system now in the local board elections?—That is why a man like Mr. S. Muttayya Madaliyar or somebody else secures the votes of the depressed classes and claims to represent them. And even if a depressed class man wins, he refuses to sit in the council unless his master asks him to.

Q.—It is your view, rightly or wrongly, that the present system of distributive voting at the local board elections in the Madras province helps to return only such sort of depressed class men as are in favour with the caste Hindus?—That is one of the reasons why we want plumping. This change has been effected in the Madras Municipal Act now being passed by the Legislative Council.

Q.—In the municipal elections hereafter you will have plumping?—We have a separate electorate. Only the depressed classes can vote.

Q.—You have a separate electorate?—Yes.

Q.—What do you think about the deposit?—You think that Rs. 50 deposit is enough for the primary election and Rs. 100 for filing election petitions?—It may be a bit higher in the second case, but in the first case Rs. 50 will do.

Q.—Will that be forthcoming among the candidates for the reserved seats in this province or will they have to go to some moneyed man for it?—So far as I can judge from the number of representatives that we have in the present council, I think a good number will be forthcoming.

Q.—Do you think that there will be many elections or do you think that in most cases there will be less than 4 candidates (for the panel)?—There will be less than four.

Q.—Then there will be no panel election at all?—Yes.

Q.—You anticipate that there will be more cases like that?—I do not like to hazard an opinion off hand, but I think that in the first few years there will be no need for primary elections at all.

Q.—Provinces differ a lot in this respect. Anyway you have not got Bengal's difficulty of multiplicity of candidates?—No. We have not got that difficulty. I am told that in Bengal there are 500 graduates from the depressed communities.

Q.—The position in Bengal is that there the depressed classes have a numerical majority.

Q.—There is nothing else you wish to put before us?—(*Mr. Shivashanmugham*) : I have got certain points to mention against the distributive vote. Because the distributive system is there, that is no argument in its favour. If the distributive system is introduced, the candidate who gets the least number of votes of the depressed classes will be able to come in with the help of the caste Hindu votes, and the candidate who has the confidence of the depressed classes may not come in at all. Secondly, corruption will enter under the distributive system of voting.

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## 12. Evidence of Rao Bahadur R. Srinivasan, M.L.C.

*Madras, dated the 27th November 1935.*

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*The Chairman.*—Rao Bahadur R. Srinivasan, we have got the short note from you. You say that as regards the interpretation of the Poona Pact, there ought to be four candidates, but if there are only three or two, or even one, it does not really make much difference?—Surely.

Q.—If more than four candidates are there, there must be a primary election, and if there is only one candidate, then there would be no voting for the reserved seat at the final election?—If there be less than four, there will be no panel election.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—I shall put it this way. Unless there are more than four, there cannot be an election?—Yes, as candidates.

Q.—There must be at least five so that there may be an election which will result in four being returned?—That is it.

*The Chairman.*—Well now, you get these four people; there is to be an interval of some weeks between the primary and the final election. Your view is that any of these four candidates may, if he chooses, withdraw?—Yes.

Q.—And forfeit the deposit?—Yes.

Q.—And you think Rs. 50 would be a proper deposit?—Rs. 50 is too much. I think the minimum should be Rs. 10 and the maximum Rs. 20. The condition of the people has to be considered. If you put Rs. 50, the man will have to borrow from his caste-man employer. If it be fixed at less than Rs. 20, he will put in his own money or he may scrape from his people or from those who are interested. It is with that object that I suggest from Rs. 10 to Rs. 20.

Q.—Then we were told that owing partly to the poverty of the scheduled castes, corruption would be rife, and that there would be a good deal of selling of votes?—Is it to be the distributive or the cumulative vote.

Q.—If it is the cumulative vote, there would be more chance of corruption than if it is distributive?—Yes.

Q.—Why do you think so?—Because the caste Hindus would come in; they have the money and the influence.

Q.—They will come in quite regardless of the form or the manner of voting. For instance, supposing you have two votes and you have to give one to the scheduled caste man and one to the Hindu. The Hindu may like to buy off your vote?—Yes; there may be so many at it.

Q.—So, I cannot understand why there should be any difference. By now you have got your members on local boards and district boards, and those men who want to stand for the Assembly will surely get their friends of the scheduled castes at the election to say: 'we won't sell our votes to the Hindu: we would give our votes only to you'. To that extent, I think with either of these systems you can mitigate corruption?—But the scheduled caste people are not quite independent as many think, or you think. They are all servants of the caste people, especially in the rural parts. They are agricultural labourers, tenants under landholders; and there are very few who are pattadars or landowners. That being the case, the depressed classes in the rural parts are completely in the hands of the caste Hindus or the landowning classes. In the district boards, it is noticed that these people are herded like cattle and taken to the polling booths, and their votes are taken that way.

Q.—You have got reserved seats in the district boards; what happens there?—Even there for the reserved seats, scheduled caste men who are in the employ of or are the favourites of caste-Hindus are put up.

Q.—In other words, you say the higher caste Hindu by reason of his wealth, his intellectual ability and his powers of organization will practically nominate the candidate for the reserved seat?—Yes, that is what I mean. It has been so. No doubt the constitution may not intend it, but that is the practice.

Q.—And you think the practice still continues?—Yes.

Q.—Can you give us some suggestions as to how that can be got over?—I think it is a matter of time. Even under the new constitution, until we have two elections, the scheduled caste people may not be in a position to understand what an election is or the value of the vote.

Q.—But gradually I suppose they will acquire the knowledge that is necessary as regards their position, if opportunities are given to them?—Yes in course of time. That is why I say they must have experience of at least two elections. They being illiterate and ignorant, it will be impossible to educate them in a short time unless they see the whole thing in practice.

Q.—Is there any effort being made in the way of organisation of these scheduled castes?—Efforts are being made, but it is so difficult to reach the rural parts. In course of time, I think there will be good result. We have also got what is called the Depressed Classes Federation, and we have associations in towns and districts. We consult them now and again, and that is the sort of organisation we have at present; but as for elections, we have not advanced so much as to organise our people for them.

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*The Chairman.*—The view is—and we have been going round India—that the deposit should be somewhere between Rs. 25 and Rs. 50?—In this province Rs. 50 is too much. Even Rs. 20 which I suggested is too much. When there was an amending Bill for the Local Boards Act, it was I who pressed for the exemption of these classes from making these deposits. Now, however, people from the rural parts come and tell me that there being no deposit, the castemen put up their own servants to contest the elections against the depressed class candidates and there is difficulty; because if the servants win that is all right; otherwise they have not lost anything. If however we are to have a deposit, the castemen will not compete so much, because there is some risk of losing the money; at any rate, they will think half a dozen times before standing for election.

*Q.*—But the smaller the deposit, the less is the risk ?—But these people must be able to pay. They are so poor ; they can't raise the amount, and if they do that is only by going to the caste people, and being obliged to them for it. That means, they will be the representatives of the caste people. Moreover, there are depressed class tenants under the landlords, and they will not be allowed to stand.

*Q.*—It has been suggested that there should be reserved seats ; but do you anticipate that in these constituencies, there will be more than four candidates coming forward ?—There may be more in some places, and there may be less in others.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—In some places you think even four won't be forthcoming ?—Yes, in some places.

*Q.*—Nevertheless, you think the election should go on ?—Yes.

*Q.*—Supposing there is only one candidate of the scheduled caste available ?—Well, he goes in without any contest.

*Q.*—Therefore, you won't regard four as a minimum ?—No.

*Q.*—You advocate single non-transferable voting in constituencies where a seat is reserved ?—Yes.

*Q.*—You add that a scheduled caste man, although the single non-transferable vote is to be the system, must have the liberty to vote for caste Hindus ?—Yes, because we have to keep up the Poona Pact.

*Q.*—Do you think that the spirit of the Poona Pact will be carried out by the introduction of the single non-transferable vote ?—Yes, because the caste Hindu will go to the scheduled caste man and this man will go to him.

*Q.*—That is, you hope that the higher caste man will exercise his single vote in favour of the scheduled caste man and likewise the latter will exercise his one vote in favour of the caste Hindu man ? That is what you conceive to be the single non-transferable vote !—Yes, that is my hope.

*Q.*—You think that in spite of the system being single non-transferable vote, the spirit of the Poona Pact will be carried out ?—Yes, it ought to be so.

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### Bombay.

#### 13. Extract from the evidence of Mr. A. V. Thakkar.

*Bombay, dated the 10th December 1935.*

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*The Hon'ble Mr. Justice Din Muhammad.*—Have you anything to say about the scheduled castes ?—I have something to say about the method of voting. I should like the distributive method of voting to be introduced. Joint electorates were contemplated by the Poona Pact. This joint character of the electorates can only be preserved if there is distributive system and not cumulative system.....

*The Chairman.*—The view put forward against the distributive system is that the distributive system fetters the discretion of the voters, whereas if you give him the cumulative system, you can say : " There are your votes. You can do what you like ". He can give one here, one there, or he can accumulate them and give them to one man. Under the distributive system there is not this freedom. You say he ought to give one vote to one, another to another, and so on. The second argument against the distributive system is that by allowing the accumulation of

votes you protect the smaller minorities ?—Under the distributive method of voting you give as many votes as there are seats. That was the intention of the legislature. The legislature wishes the electors to put up so many members. It does not mean that a smaller number can be put up. It should be the same number. Therefore, each man should vote for two or three or four, as he likes. That is the intention of the legislature.

*Q.*—In several places we found considerable support for the single non-transferable vote ?—That is worse than the cumulative system.

*Q.*—The Proportional Representation Society, which is a very scientific body strongly advocates the single non-transferable vote. It says that is the only way in which minorities will get representation ?—But in this method there is no question of minorities at all, because they will get their reserved seats.

*Q.*—We are told that small minorities have not had any protection under reserved seats. Even among the scheduled castes there are different communities ?—The distributive system should be made compulsory.

*The Hon'ble Mr. Justice Din Muhammad.*—Do you still believe in compulsion ?—In this case you are giving him representation in a constituency by means of four or six seats, and at the same time you give him the option to vote for one or more persons. I say one vote should be given to one man ; not more than one vote to each.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—What is your system of distribution ? Suppose there are four candidates from the scheduled castes. There are only two seats to be filled up. Under your system you would allow a voter to give one vote to one candidate and the second to the other ? Now take another constituency—a two-member constituency. There is one caste Hindu candidate and one candidate from the scheduled castes. Would you say it is essential that the voter should be obliged to give one vote to the scheduled castes candidate and one to the caste Hindu candidate ?—Yes ; that is what I mean. I do not want the two votes to be plumped.

*Q.*—You are now mixing up three different propositions. You do not want the voter to have the liberty to give one vote to the scheduled castes candidate and another vote to the scheduled castes candidate too. You do not want that also ?—No.

*Q.*—He must always be asked to give one vote to the scheduled castes candidate and one to the caste Hindu candidate. That is a further restriction on distribution, because distribution means that there are two seats and two votes which he can cast in favour of any two ?—One is a reserved seat.

*Q.*—That is your idea. I wanted to have it cleared up, because there is some confusion ?—Because there are so many seats, he must give his votes to all the members whom he selects.

*The Chairman.*—We have your representation before us. We shall think it over when we have finished our tour. I think I am correct in thinking that you said you did not like the single non-transferable vote ?—Neither single non-transferable vote nor single transferable vote.

*Q.*—Single transferable vote is too complicated a system. It does not come in ?—Now I want to say something about the backward classes in the Presidency. If you refer to page 29 of the Report, you will see that one seat has been given for the backward classes in West Khandesh West, on the assumption that that part has the largest population of the backward tribes. It is true that the backward tribes population in the whole of the district is the largest, but the seat has not been given to the whole district ; it has been given to West Khandesh West, the population of which may be a little more than half—I am not quite sure. My argument is that the Wadia Committee has recommended one seat for West Khandesh West, but the population they have assumed is the population of the whole district—281,000. The population that we should go by is the backward tribes population of West Khandesh West only, because the seat is given to that part only, not to the whole district.

*Q.*—Can you give me the population of the backward tribes?—In paragraph 15 of the First Report the population of aboriginal and hill tribes in West Khandesh is shown as 281,000; Surat 268,000; and Thana 235,000. Although the population of West Khandesh may be 281,000, the seat is given not to West Khandesh as a whole, but to West Khandesh West, which is only a part of West Khandesh. They have given the seat therefore to a population which is less than 281,000.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—So, the force of the argument in favour of West Khandesh West is gone?—Yes, because the population of West Khandesh will not be more than two-thirds of 281,000.

*The Chairman.*—So far as I can make out, what they have done is this. If you are going to reserve a seat, the area in which it is reserved must be coterminous with a general constituency. If they want, they can make a special constituency and combine West Khandesh West with West Khandesh East, but that would probably be 6,000 sq. miles. Therefore, they say: "This is a backward tribes area, and we cannot expect a candidate to go round 6,000 miles; therefore, we will make a reserved seat in a smaller constituency."—Why not make it then in Surat District, where in a smaller constituency there is a larger population?

*Q.*—Is that just typical of the backward tribes?—Yes; and there is also a large population of 268,000.

*Q.*—Your contention is that Surat has a larger backward tribe population, and it is better entitled to have a seat on the basis of population than West Khandesh West.—Yes.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Your point is they might have made a slip: first, they took West Khandesh and its population; then they divided the constituency, and in reserving the seat did not take into consideration the fact that the population had been split?—May be.

*The Chairman.*—Is there any other point you want to bring to our notice?—There is one point, and that is with regard to the panel system in the case of the scheduled castes. There is a controversy whether four should be the maximum or the minimum. It is the maximum, not the minimum. More than four candidates cannot stand for the final election, but if some of them withdrew before the final election, there is no objection to the number being lower than four. That was the intention of the pact.

*Q.*—It was fixed as the maximum?—The seat need not remain vacant if there are not four candidates. The legislature should not put a ban on the seat being filled.

*Q.*—Where you cannot get more than four candidates, there is no primary election. At the final election there may be 4, 3, 2 or 1?—Yes; 3, 2 or 1.

*Q.*—Then, you share Dr. Ambedkar's view?—I have asked Mahatma Gandhi also on the point, and his view is just the same as I have stated now.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Have you asked Mahatma Gandhi what his view is as to the method of voting?—No. I have not. I asked him about the other matter, namely, the single non-transferable vote in multi-member constituencies. To that he is very much opposed. He thinks it will be taking away from their right of choice.

*The Chairman.*—It may be within the letter of the Poona Pact, but it would offend against the spirit of it?—Yes. The Lothian Committee has suggested that this cumulative voting system amounts to single non-transferable vote.

*Q.*—There is a lot of difference, although it can be made equivalent to the single non-transferable vote, if the voter chooses.

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*The Hon'ble Mr. Justice Venkatasubba Rao.*—If the voter so chooses he can distribute his votes ; there is that elasticity in the cumulative voting system. That is not possible in the single non-transferable vote.

*The Chairman.*—It was put before us that the worst feature of the cumulative system was this : under the system of multi-member constituencies, as you have in this presidency, when a large number of Harijans find themselves each in possession of a large number of votes, if they can get a good price for their votes, they will not vote for the scheduled caste candidate but spend their votes on the caste Hindus ?—Supposing it happens, even then the scheduled caste man does not lose his seat. He will come in all the same.

*Q.*—The scheduled caste men think that their man is bound to come in ; therefore they may give away all their votes to the others ?—Under the cumulative system also he can do it.

*Q.*—It is the cumulative system that is attacked ?—That is an argument for you.

*The Hon'ble Mr. Justice Din Muhammad.*—Do I understand your position rightly ? Is it your contention that the Northern Division should have been allotted 28 seats, and the Central Division 49, as against 27 and 50 as now proposed by the Committee ?—Yes.

*Q.*—Your point is that Poona City is given two seats, whereas it is entitled only to 1·47 ; Poona rural has been given 7 seats, whereas it is entitled only to 6 ; Kaira is entitled on the population basis to 4·89 but has been given only four and therefore the excess given to Poona must be taken away from it and given to Kaira ?—Yes.

*The Chairman.*—You will see that we cannot pretend to any local knowledge. What we shall do is to send a note to Government that these facts were brought to our notice and ask them to reconsider their proposals and give us reasons. This assures you of a further hearing ?—In fact Sardar Bhimbhai has argued on the same lines in his dissenting minute. He asks for a seat for Ahmedabad ; I am asking for Kaira.

*Q.*—From where are we to take that seat ?

*The Hon'ble Mr. Justice Din Muhammad.*—He says we can take away from Poona as it is not entitled to 9 seats.—In fact, the Central Division is not entitled to the extra seat given to it, if we go strictly by population. Of course there should be no other consideration, except in the case of a city like Bombay.

*The Chairman.*—Do you think that Bombay City should have more seats than it is entitled to on the population basis, or only according to its population ?—Personally, I do not think it should have more, because it gets seats in many other ways, such as University, Commerce and Industry, etc.

*Q.*—We are told, Mr. Thakkar, that on the whole, in this province there is not much difference in outlook between town and rural and that they have the same interests. Is that so ?—That is with regard to small towns, not towns like Bombay and Poona and Ahmedabad. Only four towns are excluded.

*Q.*—You think that is right ?—That is right.

*Q.*—Elsewhere, for example, in the Punjab, they want every little town of 5,000 or 6,000 people to be taken as an urban area. In Bengal they go to the extent of bringing in every municipal area even if it contains only 2,000 people ?—There may be too much urban outlook there. In the Punjab and Bengal they have got much of it. It is only here that about ten per cent. of the people have it.

*Q.*—There the great big cities dominate all the others and that is your standard of urban outlook ?—It is not so in the United Provinces ?

*Q.*—It comes half way there. They take as standard a population of 25,000. They have got about 18 towns which they call urban, but it is all arbitrary and there is no general principle we can apply ?—With regard to Bombay province, I think what has been done is fairly done. That is my personal view.

Q.—In Madras Presidency they have quite a number of what they call big towns but in reality they are more rural than urban. They are really market towns where people from the rural areas come in to sell their produce. Nothing that can be done is final and it will certainly take a long time to get anything like finality in this matter. In these, some of the constituencies are Labour, Commerce, Women's constituency—they are all experimental and educative?—Taking my home district, Panch Mahals, it also contains so-called two big towns, but they are of course rural towns.

Q.—They have got the same interests?—Very much identical, no dissimilarity.

Q.—Are they municipalities?—Yes, one with 28,000 and the other with 18,000 population.

*The Hon'ble Mr. Justice Din Muhammad.*—What is your opinion about Hubli with a population of 89,000?—It is a large population no doubt. In that way, I would exclude those which have a lesser population than 100,000, because we must have some certain limit which we cannot cross.

Q.—Is it urban in outlook or rural?—It goes in rural.

Q.—But what is the outlook of the population of Hubli? Is it urban or rural?—In that way all our towns are rural, except cities like Bombay and Ahmedabad which are nothing but industrial cities.

Q.—Quite so.

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#### 14. Evidence of Dr. B. R. Ambedkar, M.A., Ph.D., D.Sc., M.L.C.

*Bombay, dated the 5th December 1935.*

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*Dr. Ambedkar:* Would you like me to make a general statement as to what I think are the implications of the pact? This is what I would like to say. Essentially and broadly, the Communal Award and the Poona Pact are like, in that they were designed for the protection of the depressed classes. The Communal Award protected the depressed classes by putting them in a particular compartment for electoral purposes and made them impervious to the influence of caste Hindus at all stages of the election. The Poona Pact broke up the election of the depressed classes into two parts (1) preliminary and (2) final. So far as the primary election is concerned, it has maintained the exclusiveness of the Communal Award by putting them in a separate compartment. So far as the final election is concerned, it has abrogated the principle of exclusiveness and established mutuality between the caste Hindus and the depressed classes. Subject to this principle of mutuality in the final election, the Poona Pact is like the Agricultural Relief Act designed to protect the agriculturists from the clutches of money-lenders and, as such, a construction most beneficial to the depressed classes should be placed upon it.

*The Chairman:* It was all done in the interests of the depressed classes; that was the paramount consideration?—That was the paramount consideration. Although the desire of both parties was that the exclusiveness that was introduced into the electoral system, so far as the depressed classes were concerned, by the Communal Award, should be abrogated, it was understood that at some stage the principle of exclusiveness should be maintained.

Q.—Can you tell me what was the idea of having four candidates? One might say that the principal idea was to protect the depressed classes, but the secondary idea was to maintain the unity of the Hindus?—That was done so far as the final election was concerned. As regards the primary election, I take it, and I do not think that anybody had the slightest doubt about it, when the pact was framed it was intended as the maximum.



Q. Why did you come to select "4"?—I can give the gist of what took place at those negotiations. As the committee is probably aware, at the time the Poona Pact was made, there was a division between the depressed classes themselves; at any rate there was an apparent division. Some were in favour of having a general electorate; that is to say, some were in favour of establishing contact with the caste Hindus and some in favour of separate electorates and no contact. It was therefore urged that if no such system of plurality of candidates was introduced in the primary election, such of the depressed classes as held the former view, namely, that there ought to be contact between the caste Hindus and the depressed classes would have no chance. That was the primary idea underlying the introduction of plurality of candidates in the primary election.

Q.—Plurality of candidates was introduced for the purpose of placating those who had advocated contact with the caste Hindus?—Yes. May I proceed? The next consideration that arose was this; how many should be allowed? And that of course raised this question. Plurality of candidates means the watering down of the representation of the depressed classes. It is something like watering down the strength of the wine, if I may use that analogy. The question arose as to what extent we were prepared to water down.

Q.—Then, really the plurality was also generally arranged in the interests of the depressed classes?—It was a concession to the caste Hindus.

Q.—At the instance of one party in the depressed classes?—Yes. I am putting it from their point of view,—how they looked at it. The caste Hindu point of view was this. They said: "Suppose we want to have a platform within the depressed classes election, and we want to put up candidates, why should we be prohibited from doing it? Suppose a depressed class man wanted to stand on the ticket of the Congress or on the ticket of the Hindu Mahasabha, why should he be prevented?" That was their point of view. As I said, the question therefore was, how far we should consent to the watering down, and we said this, that the candidate who would be elected finally in the final election must at least have the approval of 25 per cent. of the voting population of the depressed classes.

Q.—We were told at a number of places that you would not be able to get 4 or 5?—The point I wish to place before you is this: that 4 is the maximum; four means "not more than four"; it does not mean "not less than four"; there may be less than 4. In fact there is no obligation to put up four candidates.

Q.—Would it be right to say that the figure "4" is really the optimum. If you can have an election so much the better; it would result, in four panel candidates being chosen. Is that it?—Yes. Then, from that it will follow that there would be no necessity of a primary election if there were only 4 candidates.

Q.—If there were only 4 candidates, no primary election?—Yes.

Q.—If there is only one candidate, no final election?—That will be the final election.

Q.—There will be a primary election only if there were 5 candidates or more, and no primary election if there were only 4 candidates or less than four. That is fairly obvious. I think I ought to tell you that the argument advanced on the other side was—I state it for what it is worth—that this Poona Pact was an agreement made in the interests of the depressed classes giving them certain privileges on certain conditions. One condition was that there should be a panel election resulting in the selection of four candidates, and if there were not four panel candidates then the condition was not fulfilled and there should be no election. That was put before us?—If I may say so with all respect, it reduces the whole thing to an absurdity.

Q.—Then the other argument was this:—as regards the final election, it was stated that it was in fact two separate elections for one joint electorate;

one was for the open seat and the other for the reserved seat. For administrative convenience, they might be held in the same place and on the same day, but so far as the intentions of the pact were concerned, they might just as well have the election on two separate days. That is another argument coming forward. I was surprised to hear it, and I suppose you would not agree to it?—I think the final election of the depressed classes must be part and parcel of the general election. Mutuality is the essence of the pact; mutuality is the final election.

*The Hon'ble Mr. Justice Din Muhammad:* According to your view of the matter, the number "four" was fixed merely to enable the caste Hindus to offer their own candidates from among the scheduled castes if they so choose, but it was not intended to be the irreducible minimum?—It was not intended to be the irreducible minimum.

*Q.*—And the legal rights of the scheduled castes to put up as many candidates as they choose were not in any way affected adversely?—The only idea underlying the whole Poona Pact was this, that somewhere a contact should be established between the caste Hindus and the depressed classes which did not exist under the Communal Award of His Majesty's Government.

*Q.*—Because they were treated just as Muhammadans were treated?—Yes.

*The Hon'ble Mr. Justice Venkatasubba Rao:* The argument advanced against that view—an argument which we have not so far accepted—is that the number "four" was fixed in order that the general Hindu community, as distinct from the scheduled castes, may have in the final election, and therefore, if you have less than four, that opportunity some say intended to be afforded to the general Hindu community will be lost?—My reply to that is: we are not taking away their opportunity; they are still free to put up 4 candidates. I am not saying that there should not be four candidates.

*Q.*—If there are four panel candidates, then the question does not arise. Supposing there were not four, but only three, two or one. Take the extreme case, only one. He is the chosen man of the scheduled castes and the general Hindu community has no opportunity of influencing the election?—In the final election, the voting strength of the scheduled castes is probably not more than 10 per cent. and if the caste Hindu voters, who probably will fill 90 per cent. choose to exercise their vote on behalf of that man they still have the choice and opportunity.

*Q.*—But this is a reserved seat?—It may be a reserved seat, but still the opportunity for contact is there, the opportunity of voting for him and making him their slave is there.

*Q.*—Not if he is going to be returned unopposed?—All the same, they will have the opportunity of voting for him and making him their man. All that the Poona Pact provides is the opportunity to vote.

*Q.*—I think Sir Laurie put the question to you; you did not understand the significance of it then; you may understand it now. If there is only one candidate from the scheduled castes, at the final election he will be returned unopposed. Where do the caste Hindu come in there?—Yes.

*Q.*—Where does the caste Hindu community come in?—The answer to that is that the Hindu community has not taken advantage of the Poona Pact.

*The Chairman:* In the earlier stage?—In the primary elections. It is their business, not ours.

*The Hon'ble Mr. Justice Venkatasubba Rao:* That is your answer?—Yes.

*Q.*—If your people want to have their own man, they must put forward as many as they like from the scheduled caste people?—Absolutely. We give then a chance of being elected in the panel elections to a man who has not more than 25 per cent. of votes behind him of the depressed classes.

Q.—Supposing there are 4 candidates and the last man in the panel became the first in the election?—The result is this: from our point of view, he is a man who has only 25 per cent. of our confidence.

Q.—Even he stands a chance of being elected because it is a concession allowed to the general Hindu community?—Yes, to that extent

Q.—Take a concrete case. Candidates A, B, C and D come through the panel. A heads the poll in the panel election. D, with the support of the caste Hindus, succeeds in the final election, because to that extent there is the concession given to the general Hindu community.—That way it is mutual.

*The Chairman:* In the primary election, A gets the top number of votes and in the last election D gets in owing to the support of the caste Hindus?—If they do not exercise their right.

Q.—Your point is that they had their chance at the primary election of putting forward a candidate and if they did not put forward a candidate, it is their own fault?—It shows that they are not interested in their election at all and it is their fault.

Q.—What about withdrawals?—I do not see why they should not withdraw if they want to.

*The Hon'ble Mr. Justice Venkatasubba Rao:* If the caste Hindus are not able to prevent him from withdrawing, it is their own fault?—They should make sure that the candidates they put forward will stand by them all through.

Q.—If they withdrew, it is no fault of the scheduled caste people?—No.

*The Chairman:* And also there is a practical difficulty that you cannot prevent a man from withdrawing if he wishes to?—Yes.

Q.—The man who gets elected in the panel must stand there right through until the final election?—Yes.

*The Hon'ble Mr. Justice Din Muhammad:* To stop withdrawal would be to deny to scheduled caste candidates the right which every other candidate has?—How can you force a man not to withdraw?

Q.—That is the trouble.

*The Hon'ble Mr. Justice Venkatasubba Rao:* That is caste Hindus may so contrive that 4 would not stand at the primary election.—It would still be in their hands.

*The Chairman:* The argument works on both sides.

*The Hon'ble Mr. Justice Venkatasubba Rao:* But from my understanding of the Poona Pact, it gives caste Hindus opportunity to prevent withdrawal?—If they do not desire to take advantage of the opportunity, then it is nobody's fault.

*The Chairman:* The next point is whether a scheduled caste candidate, who cannot come through the panel, should be eligible to contest a non-reserved seat in the general constituency?—From the standpoint of the principle which underlies the Poona Pact, namely, the mutuality, I do not see any reason why a candidate, who has not gone through the panel, should not contest a general seat in an area which is reserved, but I must also confess that I feel that this is somewhat unfair to the caste Hindus.

Q.—Why should he?—That was not the object.

Q.—It might occur, as you know?—I do not think it will ever occur.

Q.—It will occur in Bengal.

*The Hon'ble Mr. Justice Venkatasubba Rao:* It has ceased to be of practical importance except in Bengal. It is in Bengal alone that we are asked to prescribe that it is only the panel candidates that can stand for the unreserved seat?—In fairness I say I agree.

*The Hon'ble Mr. Justice Din Muhammad:* I find there are some multi-member constituencies here, as it is. Supposing, in the case of Marathas, there is a seat reserved for Marathas in one of those constituencies. Three Marathas contest that election. Two of them carry the highest number of votes. Will they not capture both the seats, reserved and unreserved?—I was under the impression—I may be mistaken—that wherever a seat is reserved for Marathas, they would not be entitled to another seat.

*The Hon'ble Mr. Justice Venkatasubba Rao:* You are more familiar with the question of the scheduled castes. Supposing two scheduled caste people, coming through the panel, head the poll. What is your idea?—The one at the top should get in.

*Q.*—What about the second man?—That certainly was not the intention of the Poona Pact. It is so impossible a condition that they never thought of it.

*The Hon'ble Mr. Justice Din Muhammad:* You make an unreserved seat reserved for the caste Hindus.

*The Chairman:* Scheduled caste candidates A and B head the poll. Our idea is that these two men must be returned as two candidates. In other words when the election is on, there are 6 candidates for 2 seats. One must be reserved for a Harijan but the other one is open to all of them.

*The Hon'ble Mr. Justice Venkatasubba Rao:* As soon as the poll is taken, the one who gets the largest number is given the reserved seat.

*The Chairman:* That is why several of them said "No, these are two separate elections in fact".—The final election is one.

*Q.*—The seats are open to all candidates.—The principle of reservation does not apply.

*Q.*—There is no reservation there.

*The Hon'ble Mr. Justice Venkatasubba Rao:* It applies in this sense, that the man who gets the highest number is at once given the reserved seat and for the rest the ordinary rules of election apply.—He gets it not as a man to whom the seat is earmarked but as a man who has got the highest votes.

*Q.*—In other words, the very expression "reserved seat" means that it is the minimum benefit that the scheduled caste candidate must get. It does not mean that there is any disability.

*The Chairman:* Take these numbers. The scheduled caste man gets 500 votes. The next higher on the list is a caste Hindu with 450 votes. The next scheduled caste man gets 350 votes. Is it your contention that the 500 votes man goes up with the third man and that this man is elected?

*The Hon'ble Mr. Justice Venkatasubba Rao:* No. A and B are the scheduled caste candidates. A gets 500 votes and takes the reserved seat. B gets 450, and gets the un-reserved seat although he happens to be scheduled caste candidate. To that extent, in a measure the caste Hindus have a grievance but in our view, grievance or no grievance, this is the necessary effect of the very expression "reserved seat". That is the very foundation on which the whole Poona Pact is based. We are not concerned with the intentions but with the final product.—I do not think any such eventuality will ever occur.

*Q.*—It does occur. In Madras local board elections, it did occur. There were some scheduled caste people and some caste Hindu people. The caste Hindus said "Oh, this is a reserved seat for the scheduled caste. Another seat will come to us. Where is the trouble?" They were therefore very indifferent in regard to the elections, with the result that both seats were captured by scheduled caste candidates. The caste Hindus did not realise that no seats were reserved for caste Hindus, the result was that caste Hindus were nowhere and both seats went to the scheduled castes. I am sure that people here will not be so negligent. It will not be a common error.

*The Chairman:* What about the system of voting?—I do not really see how it can be said that this question of the method of voting arises out of the Poona Pact, because I find that the methods suggested, namely, the single non-transferable vote, the distributive vote and the cumulative vote are all systems which you find in operation in places where there is no system of reservation at all. They are really systems which are intended to give minorities representation. Therefore, I do not know that it has any necessary connection with the Poona Pact.

*Q.*—It has been suggested that the single non-transferable vote in the spirit, perhaps not in the letter itself, goes against your underlying basis of mutuality. You cannot get a depressed class voter to vote for the caste Hindu unless he gives up voting for his own people.—That is exactly my submission. If a voter has a free choice of casting his three votes either in the election of caste Hindu candidate or in the election of a depressed class candidate, then it cannot be said that he has no freedom of choice or the opportunity.

*Q.*—You limit his opportunity. If you give him two votes, then obviously he has got to give one to each?—On this question I have no definite view in the sense that I want to press one as against the other. I certainly object to what is called the distributive vote because the process become purely a mechanical. In my opinion, a voter ought to have an opportunity of showing his preference one way or the other.

*Q.*—You do not mind one way or the other?—No. I object to the distributive vote because it is mechanical. The men simply gives one vote to one and the other to the other without having to exercise his intelligence.

*Q.*—It does not allow any discretion.—Any intelligence.

*Q.*—You have no objection to cumulative vote?—No.

*Q.*—The cumulative system is regarded in Bombay as satisfactory?—It has nothing to do with the Poona Pact.

*Q.*—It was never discussed?—I do not see any intimate connection between the two.—I do not see how it arises out of this at all.

*Q.*—It does in practice. In practice it makes a great deal of difference?—My submission is that if the caste Hindu voter is really as keen as those who spoke on his behalf at the Poona Pact in establishing a contact and taking interest in the election of the depressed classes, then I think the single non-transferable vote is really the test.

*Q.*—That might be so but perhaps in the same way as you object to the distributive vote it limits the voter's discretion or intelligence?—He must be called upon to exercise his intelligence.

*Q.*—The cumulative system is very simple. You give the man two ballot papers. If there is a box system, he puts both in one box or, if he likes, he can give one to the caste Hindu and one to the depressed class candidate. He can do as he likes. I think it is a very simple system, there is no trouble about it, but the other way it would be different—coloured ballot papers and so on. I do not think it is a very nice system to have. Then, what about the deposit, Dr. Ambedkar?—My view is that the deposit should be a fixed sum.

*Q.*—Right from the primary elections to the final elections?—Yes.

*Q.*—How much should it be?—I do want to say in this case that charity would be misplaced and therefore I would not say that the deposit in the case of depressed classes should be fixed so low and so small in amount that any man without any chance of election might come in as a candidate simply to destroy the election chances of other people.

*Q.*—We have had all sorts of figures given to us. In some places we were told that in the case of ordinary candidates it ought not to be less than Rs. 250, others said Rs. 100 and still others said Rs. 25 and some said Rs. 10. Our own idea has hovered round Rs. 50.—I am inclined to think Rs. 250 would be quite reasonable.

Q.—A caste Hindu will lend him the cash if he has not got it himself ?—  
I do not think so.

Q.—You do not care how large it is so long as it discourages a multiplicity of candidates or freak candidature ?—If the deposit were too small, caste Hindus would be too ready to advance the money, but if the deposit were bigger, I think other people would consider twice before advancing the money.

Q.—I know of a district in Bihar where people would not be able to put up even Rs. 25, let alone Rs. 50. We were told by an experienced Collector, who has toured round his district, that not a single candidate would come forward unless somebody else put up the deposit for him ?—I am definitely of the opinion that it should not be fixed so low as that.

*The Hon'ble Mr. Justice Din Muhammad :* Considering the poor financial condition of the scheduled castes, don't you think Rs. 250 will be prohibitive ?—As far as the Bombay Presidency is concerned, I do not think it is prohibitive.

*The Hon'ble Mr. Justice Venkatasubba Rao :* You would keep it at Rs. 250 ?—Yes.

*The Chairman :* In Bengal, do you think it might not be too high.—I do not know about other provinces.

Q.—Even in Bihar, if you put it too low, you may get some one, for the fun of the thing or for the mischief of it, to put up 10 conservancy men to stand as candidates ?—It would open the door to all sorts of blackmail and the candidate might say " I will withdraw provided you pay me so much ".

Q.—You are getting there on very difficult ground. It is a fairly open secret that there have been in the past what you may call collusive withdrawals and we cannot see any way of stopping them ?—Therefore, if you make it difficult initially for the man to stand, I think there may be some solution of the difficulty.

Q.—You would rather have the bigger amount than the smaller—Rs. 250 rather than Rs. 50 ?—Yes.

Q.—Another thing. We were told in Madras I think that they were against anything like cumulative vote, because they are afraid that caste Hindus may buy over the scheduled caste candidates in order to get in their own men. Do you think there is anything in that ?—I am not afraid of that in this Presidency. It is all a question of political organisation. It all depends upon the fact whether your constituencies are conscious of the position. I do not see how you can prevent that.

Q.—Whatever the amount that is fixed may be for a candidate for primary elections, you would not increase it in the case of the final elections ?—No.

Q.—What it is, it must carry him right through from primary to final elections ?—Yes.

Q.—As regards primary elections being impugned, say, where a defeated candidate says " I ought to have been elected and I would have been elected if such and such a thing had not been done by the successful candidates and if my voters had not been intimidated by my rivals ", what will you do about that ?—I do not think we should permit election disputes regarding primary elections. I am prepared to say that a man who went up to the final election and lost should have the right to dispute not only the final election but the primary election of his rivals.

Q.—You create rather a difficult situation like that. Take this case : A, a primary candidate has been elected ; one of the 4 panel candidates, is successful in the final elections. E, another candidate in the primary election, is defeated. He will say " Wait till the end ". At the end, he puts in a petition saying that there was intimidation and that but for that intimidation, he would have been returned at the primary election and had he been returned, he says, he would have most certainly be A and the man who came out successful in the final election, that he would have beaten A because he would have had the help and been

able to give help of his people to Y, whereas X was the successful candidate. So, it would mean displacing not only the reserved seat but the other one and you drag the candidate, who was returned in the open seat, would also have to defend the election petition and put, rightly or wrongly, to a lot of expenses. That is one of the problems confronting us?—I agree.

Q.—Then am I right in regarding a primary election as, in a way, a substitute for nomination?—Quite right.

Q.—And where you get such election disputes, would you like to employ a somewhat summary system for disposal of such disputes or objections such as bribery or corrupt practices or whatever they may be? The Collector of the district or the sub-divisional officer can go round and take evidence on oath of people who know anything of the matter and at the end of two days, he ought to be in a position to say either that the election was a good one or that the election was a bad one. That would be final as regard the primary election. Then they go on to the next election. Of course, in that case that will have to be I think under some rules as now. If a scheduled caste candidate wants to file an election petition, he will have to pay Rs. 1,000 like they do now, but in the case of just asking for inquiry into primary election, I should say if he paid Rs. 100 or Rs. 200 or Rs. 250 it would be fair. I am not sure what the amount fixed is but I will make sure?—I agree.

Q.—There is a chance of certain interference?—I agree. My fear is this: in the decisions of these disputes there should not enter what I call party politics. The only object by which this object could be secured is to refer all these disputes to a judicial agency. But the question really is this: whether the judicial adjudication in the case of a dispute like this should take place right at the end of the primary election or whether it should take place before the final election comes.

Q.—Directly after the final election, the advantage being that when caste Hindu candidates want to impugn the primary election if they are dissatisfied with the result of the election, they can do so or they might put up a man to do it—by means of an action by one of the scheduled caste candidates against the other and it would therefore be a matter of comparative simplicity to conduct the inquiry?—It would depend upon the kind of system provided. Such a system should be provided as would give no chance for party politics.

*The Hon'ble Mr. Justice Venkatasubba Rao* : Our idea is that any irregularities in the primary elections should not be allowed to affect the result of the final elections?—I agree.

Q.—It being a single election, everyone will be prejudiced by this matter being brought up at a later stage. Therefore, what we have been considering is whether we could not devise a system by which some sort of finality could be given to the primary election?—I agree. My only difficulty is about the machinery. If something could be devised whereby we could really get expeditious and judicious decisions, I think it would be satisfactory.

Q.—What would you suggest with your knowledge of local conditions? You certainly know something of the judiciary here and you can tell us what you think best.

*The Chairman* : It is a matter of days, not a week only, but you cannot hold up the other elections?—Quite true.

*The Hon'ble Mr. Justice Venkatasubba Rao* : What would you suggest?—I would suggest a Board of 2 officers appointed by His Excellency the Governor. The Governor might appoint a board for disposing of such disputes.

*The Chairman* : I doubt whether there will be many of them. I do not anticipate there will be a large number of primary elections?—I do not think so. Anyway that is my hope. That is what strikes me.

Q.—As a rule, the number of cases where there would be a dispute is I am pretty sure likely to be one or two in Bengal, because there are 8, or 9

candidates from the Namasudras. They are numerically a very large community and there are more depressed classes than higher castes. They are very keen to get these seats and especially, if they are not elected, to go into the open seats through the panel. There may therefore be some disputes in the shape of charges of bribery or corruption or whatever it may be. I think the quickest way is to leave it to the Collector of the district who ought to be able to be above party or political considerations?—I would rather seek safety in two.

Q.—If the two differ?—Then the election would be considered good. That is the rule in England.

Q.—Yes, if they differ, you say the election is good: that is the rule in England?—If it is a good rule in England, it ought to be a good rule here.

*The Hon'ble Mr. Justice Venkatasubba Rao*: A permanent tribunal for the purpose of deciding election disputes.—If they differ, the election is good?

*The Chairman*: There are two judges and if they differ, the election is good.

*The Hon'ble Mr. Justice Venkatasubba Rao*: That is unsatisfactory. I should think the better plan would be to have one man who has His Excellency's confidence or to have 3. Those of us who are familiar with chartered High Courts know that 2 judges sit in a division bench. If they differ, the lower court's view prevails, there is no finality and the appeal goes up before 3 judges. Then you invest it with the character of finality, but I have always felt that when two people disagree and one man's view prevails under some rules of Law, it leaves a sense of grievance.

*The Chairman*: I want to impress upon you what we are contemplating. The primary elections take place perhaps two months before the final elections, and if the election petition is filed, say, just before the final election, the whole procedure connected with election petition such as issuing of notice and so on, would have to be gone through and all that means a lengthy procedure. I think, on the whole, the best thing to do is to have a regular system by which at once the Collector or the sub-divisional officer, who is unconnected with elections, goes out and holds something like an inquiry on the lines of summary procedure? I think some officer appointed by the Governor as the head of the province ought to satisfy all requirements.

*The Hon'ble Mr. Justice Venkatasubba Rao*: He may be after all a non-official. They may take a leading lawyer who may inspire confidence?—Yes. I think any officer appointed by His Excellency for this purpose would do as an arbitrator.

Q.—What happens in ordinary elections?—They take a High Court Judge and two others are appointed by His Excellency.

### Bihar and Orissa.

#### 15. Notes of dissent, dated 31st July 1935 and 18th October 1925, by the Hon'ble Babu Nirsu Narayan Sinha, Minister of Education, Bihar and Orissa.

##### I.

The question is whether the voters in a constituency where there will be two seats, one for the scheduled castes exclusively and the other general, should have one vote or two votes each. *Prima facie*, each voter should have two votes which he can give, one to any candidate from the scheduled caste group and the other to any candidate from the general group. But it is urged that while caste Hindus cannot contest the seat exclusively reserved for the scheduled castes, a member of the scheduled caste is at liberty to contest the general constituency. Therefore, it is urged that a voter cannot be prevented from giving both his votes to two candidates in scheduled caste group. The result, therefore, may be, it is said, that the two candidates of the scheduled caste group may be elected instead of one from each group. To my mind, it seems that this inference is based upon a fallacy. It is true



that there is nothing to prevent a scheduled caste candidate from contesting seat in general constituency. But it does not follow that the scheduled caste candidate who happens to stand as a candidate for the seat exclusively reserved for his own caste can be elected from the general constituency for the simple reason that he is not a candidate in general group. No doubt, if any one of them thinks that he would not contest the seat exclusively reserved for the scheduled caste but will stand as a candidate from the general constituency, in that case, if he gets votes more than the votes of any other candidate of the general constituency, he may be declared elected. But if he elects to stand for the seat exclusively reserved for the scheduled caste, he cannot say that because he has obtained larger number of votes than any candidate in the general constituency, he may be elected from the general constituency. This, I think, is never the intention. The only objection, therefore, to give two votes to each candidate where there will be two seats, one reserved for the scheduled caste and the other for the general seats, is to my mind without any foundation. In fact, ordinarily, the election of these two seats can be held separately and on two separate days. In that case, each candidate will enjoy two votes and can give two votes separately. But merely because of administrative convenience the election is held on one day, I do not see why each voter should not have two votes which he can give to a candidate of each group. The obvious objection of not permitting two votes to each voter will be that it will bring about the cleavage between the depressed classes and the general Hindus which the Poona Pact wanted to avoid and which has been accepted by His Majesty's Government and is incorporated in the Bill soon to become an Act. The result will be that if the voter has got one vote, the caste Hindu will cast his vote in favour of his group of the general candidates whereas the depressed class voter will cast his vote in favour of the depressed candidate. Thus, it seems to me that it will be a separate electorate under the garb of a joint electorate. The result will be really torpedoing the effect of the Poona Pact. In my opinion, the bitterness between the caste Hindus and the scheduled castes probably will be greater than if there had been a separate electorate.

I am, therefore, of opinion that the proposal to give one vote to such a constituency is fundamentally wrong and therefore two votes should be given to each voter one of which he can give to any one candidate of one group and the other to any candidate of the other group.

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## II.

In addition to my note in Appendix D dated the 31st July 1935 in the Bihar Memorandum for the Indian Delimitation Committee, I wish to add a few words in connection with the question as to whether the voters in a constituency where there will be two seats, one for the Scheduled castes exclusively and the other General, should have one or two votes each.

The main intention of the Poona Pact, which was accepted by His Majesty's Government, was that the caste Hindus should influence the election of the scheduled caste candidates and the scheduled castes should influence the election of the caste Hindu candidates (General Group). If a voter is given only one vote, he can influence only one of the two elections. It needs, therefore, no argument to support the contention that the voters must have two votes in order that they may be in a position to influence each other's elections.

It is said, however, that assuming that in such a constituency two votes are given to a voter, he must have the choice to give his two votes to two candidates of any one of the two groups, the General Group or the Scheduled caste Group candidates. To my mind this assertion is made simply because the election of the two groups of candidates is proposed to be held simultaneously. The Poona Pact provided for joint electorate only but did not provide for joint constituency nor does clause 7 of the Fifth Schedule of the Government of India Act contemplate anything of the kind. The distinction between the joint electorate and the joint constituency should be borne in mind. The former is imperative but the latter is

not. The joint electorate simply means that the voters of the caste and the depressed Hindus should jointly elect a candidate. But for the purpose of administrative convenience one of the general seats in Bihar is being selected where two elections, one from the general seats and the other from the exclusive seats will be held simultaneously. But the two sets of candidates continue to be on a quite separate footing and the right of the voter to make a selection by his vote to each one of the two groups continues under the law.

It is suggested, however, that while a caste Hindu candidate cannot stand for the Exclusive Seats, a depressed class candidate can stand for the general seats. Nobody disputes this right of the depressed classes to seek election from any one of the general seats in the province including the seat where there is simultaneous election of the general and the special seats. Any one outside the panel can contest general seat in such a constituency. The question is whether it would be legal or right to allow a panel candidate who happens to have secured the second largest number of votes amongst the candidates of the two groups taken together to be elected for the general constituency. In my opinion, this cannot be done for the simple reason that the choice of panel is conceded to the depressed classes only for the reserved seats. In the general seats a depressed class candidate can stand but the voters have the unrestricted right to make a choice out of candidates amongst whom there may be depressed class candidates outside the panel. To hold that a panel candidate can be elected for the general constituency is to restrict the right of the caste Hindus to make an unrestricted choice of a depressed class candidate if he happens to stand for the general seats. In other words, the panel seats of the Depressed Class will not only be 18 but 36 or even more if triple members constituency is formed. This, in my opinion, is not provided for in the Government of India Act or in the Schedule and to my mind it seems that to restrict the right of unrestricted choice by any rule would be an infringement of the Government of India Act itself.

Then there is another question. If there is only one candidate in a general seat, that candidate under the law will be declared elected unopposed. This right of a candidate to be declared elected unopposed will be taken away if it is held that a second panel candidate of the reserved group can contest also in the general group, and therefore one candidate of the general group will have to contest the election if there will be two candidates in the reserved group. This in my opinion is another infringement of the right of a candidate to be declared elected unopposed from his constituency. This confusion is due mainly to the fact that in one constituency simultaneous election is being held with the two groups of candidates between whom there is no reciprocity both ways. No such question arises in any other general constituency. The mere fact that the election will be held simultaneously for two groups in one constituency is responsible for all these considerations otherwise it would not arise at all. In fact to consider such a constituency to be a joint constituency is a mistake for it implies two or more seats of the same class. It is a constituency from which two members will be elected from two separate groups. The election may be held simultaneously or on two different dates. In the latter case, such a general constituency will stand on the same footing as any other general constituency of the district. The mere simultaneous election will not change the fundamental difference between the two groups. I think, therefore, that there is no room for doubt that in such a constituency two votes should be given to each voter, one vote to be cast in favour of any one of the general group and the other to the reserved group. It is urged, further, that there might be some confusion in the minds of the voters themselves if two votes are given. To my mind it seems that there will be no confusion whatsoever so far as this province is concerned. I would suggest that the two votes should be of two colours, one for the general group which will be of the same colour as of any other general group and the other colour for the reserved group. The boxes of the two sets of candidates will be placed on two tables, and there remains a man under the present rule inside the room, and he can point out to any erring voter that he should cast the coloured ballot paper in one of the boxes kept on one table and that he should cast the other in the ballot box on the other table. Of course, there may be a small percentage of voters who will require

guidance. Most of them can easily follow and vote correctly. But if there will be any confusion, the vote will only have to be rejected at the time of counting. I think, therefore, that this suggestion of giving one vote or of giving two votes with a right to cumulate or to distribute as the voter likes between the two candidates of the same group will be, in my opinion, against the spirit and letter of the law and the Poona Pact.

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### The Central Provinces.

#### 16. Letter, dated 14th September 1935, from the Central Provinces and Berar Depressed Classes Federation, Nagpur.

I, on behalf of my Central Provinces and Berar Depressed Classes Federation, beg to submit this representation in continuation to our previous suggestion regarding the delimitation of constituencies for the depressed classes in the Central Provinces and Berar.

#### *One Seat should be allotted to one District.*

In spite of different suggestions regarding the delimitation of constituencies on population basis or on voting or revenue strength, we have to emphasise the necessity of District Representation for the Depressed Classes in the Central Provinces and Berar Legislative Assembly under the New Constitution: that the 20 Reserved Seats should be so distributed that each district gets a Representative; thus 19 seats should be allotted to 19 districts and the remaining 1 seat should be allotted to Nagpur *cum* Kamptee. In this way a district as a whole—not a tehsil or some part of a district—made a constituency will fully meet the administrative convenience and further this will give the scheduled castes throughout the Province an opportunity to make their voice heard. We submit that the tentative scheme is defective and unacceptable as far as it ignores the instructions contained in the letter of the Secretary of State for India to the Chairman of the Indian Delimitation Committee that it would be unwise to insist on an artificial uniformity in matters such as the size or population of territorial constituencies. The scheduled castes constituencies which are said to have been suggested on population basis in the tentative scheme do not insure workably equitable distribution and also do not remove invidious distinctions in the way that only Berar gets a representative to each of its districts and the Chhattisgarh gets many more seats than the number of its districts, while the Jubbulpore and Nagpur divisions get less seats than the number of their respective districts. From this it is obvious that allocation of seats as suggested in the tentative scheme for the scheduled castes, is fundamentally wrong.

We may state that so far as the tentative scheme gave 4 seats to 4 districts of Berar it has no grievance at all, so also Nagpur *cum* Kamptee as entitled is allotted 1 seat; but to allot 8 seats to 5 districts of Chhattisgarh and 2 seats to 1 district of Saugor means clearly over-representation which on the other hand has absolutely deprived the 4 districts of Wardha, Betul, Mandla and Nimar from electing their representatives for ever. Thus there is no justification in forming unwieldy constituencies in the way that these four districts should be left unrepresented. So also the decision of the Provincial Delimitation Committee to deprive the district of Balaghat of representation with the object to give weightage to Berar, cannot be justified. The only way in which justice and fairness could be done as to approach the problem is that each district should be made a constituency for the scheduled castes for single return which is neither over-representation nor under representation.

We therefore suggest and strongly demand that one seat should be given to each district combined of urban and rural areas throughout the province and the remaining one seat to Nagpur *cum* Kamptee.

## FEDERATION.

### *Withdrawal of Candidature should be permitted.*

We feel it necessary to point out that the question of electoral procedure said to be arising out of the Poona Agreement is totally unnecessary and absolutely baseless. After a prolonged discussion at the meeting of the Provincial Delimitation Committee the caste Hindu members have expressed to the effect that the scheduled castes seat should remain vacant if there are less than four candidates for the primary election and further that to permit withdrawal means to leave the way open for a single candidate to secure election without a poll. The intention of these caste Hindu members clearly appears to deprive the depressed classes of the benefit of the Poona Agreement; therefore they guide themselves simply by imaginations of their own in absence of any personal knowledge of the real spirit of the Agreement or of the circumstances then existing at the deliberations of its framers. I for myself can say, since I was a member to one of the parties which framed the Poona Agreement, that the Poona Agreement was framed on the understanding that the usual electoral procedure would be followed. The obstacle which is being suggested to put over the scheduled castes elections at different stages, was in fact never the idea among the framers of the Agreement when the Agreement was actually framed. Such obstacles can serve no purpose but on the contrary they will add to the already existing drawbacks of the community. Elections for the scheduled castes would be more disadvantageous and far removed from the existing general principles of elections if they are overburdened in order to favour the wide choice of the caste Hindus.

We may for reference give here the decision of the Madras Government on the report of the Madras Delimitation Committee that the candidature successful at a primary election ought to be allowed to withdraw his candidature before the main decision. We therefore suggest and insist that the usual electoral procedure should be applied to permit withdrawal of candidature before the primary as well before the main election has taken place.

### *Single Non-transferable vote should be adopted.*

In this province the depressed classes have got 20 seats in the Provincial Assembly. The tentative scheme provides all these 20 seats to be elected from dual member constituencies. In the dual member constituency one of the two seats is reserved for the scheduled castes and the system of cumulative voting or the system of each voter having as many votes as there are candidates to be elected being altogether complicated and dangerous to the interests of the scheduled castes we are inclined to prefer single non-transferable vote both because it would minimise the strain on the Polling Officer and on the voter and because it will prevent the majority community from electing dummies from among the scheduled castes as was done during the Council boycott movement when the Councils were said to have meant for Dhods and Chamars.

To verify this fact we submit that the proportion of the caste Hindu voters and the scheduled caste voters is 10 to 1 approximately in the Province. This means that a candidate from the scheduled castes will have to be directly under the influence of the vast majority of voters from the caste Hindus and the candidate who will come out successful from among the scheduled castes candidates will virtually be termed as a candidate sent by the caste Hindus. Such a candidate when he sits in the Provincial Assembly will not represent the interests of the scheduled castes since during election the main backing of such a candidate was from the vast majority of caste Hindu voters. This way the reservation of seats for the scheduled castes will be mere farce and not a reality. In order to implement the Poona Agreement we contend that the depressed classes should remain part and parcel of the Hindus politically as they are considered to be so socially and religiously. Socially and religiously the position of the depressed classes is well known that they are untouchables likewise, let them remain so in the general constituencies with the only privilege to stand for unreserved seats.

We therefore urge that in these dual-member constituencies the system of single non-transferable vote should be enforced in order to provide the depressed classes with a chance to send their real and sincere representatives in the Provincial Assembly. We submit that this system finds favour with the Madras Government as per the suggestion of the Secretary of State for India to the Chairman of the Indian Delimitation Committee.

In conclusion it is hoped that the suggestions made above will not go unheard as they have been the voice of the depressed classes as expressed through meetings and conferences all over the Province.

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### Assam.

17. Note, dated 31st October 1935, submitted by Rai Sahib Sonadhar Das Senapati, Member, Franchise Committee and representative, Depressed Classes, Assam.

#### *Method of voting.*

Everywhere it is being heard that the Poona Pact is not clear. From my common sense I understand that the wiser caste Hindus in the interest of the Hindu strength and unity brought the depressed Hindus from the separate electorate given them in the Premier's Award to their own joint electorate by donating some of their general seats to be reserved in favour of the depressed. I say that the Poona Pact is a will, caste Hindus are the donors, depressed Hindus are the beneficiaries and the Government are the executors. The object is to bring 'touch' to the untouchables within the Hindu fold.

Evidently Government in this situation are expected to execute the Poona Pact by introducing such a method of voting as may promote the main object in view of removing untouchability and helping the caste Hindus in their efforts to bring the depressed to their caste status. No method whatever advantages there may be for purpose of uniform procedure should not be applied to a general constituency which combines an unreserved seat and a depressed seat if such system has the slightest chance of keeping both the parties separate. The Poona Pact itself is a special agreement and it requires special procedure in voting for its purpose. I have therefore repeatedly suggested that the special procedure of reciprocal voting between the caste Hindus and depressed Hindus be adopted with the restriction imposed on the voters to use one vote in favour of the caste Hindu candidates and the other in favour of the depressed candidates on the following considerations :—

(a) *Obligation and friendly feeling.*—If separate votes are not reserved or prescribed, the caste Hindus will use both the two votes in favour of the caste Hindus and on the other hand the depressed will not get an extra vote to exercise in favour of the caste Hindus and thus to keep them under obligation and to promote friendly feeling for purpose of removing untouchability.

(b) *Deprivation of the other general constituencies.*—If two votes are given with the liberty to use in favour of caste Hindus in general constituencies where there are reserved seats, unfairness will be done to other general constituencies. When the caste Hindus in one constituency have two votes, why the caste Hindus of a neighbouring constituency should remain deprived of that privilege ?

(c) *A general constituency with a depressed seat not a multi-member constituency.*—Actually a general constituency cannot become a plural member constituency for the addition of the depressed seat of peculiar nature. It is only when a general seat is added to a general seat of the same character, the constituency may be treated as a plural member constituency, and therefore the method of ordinary voting in a plural member constituency has no application here and a special procedure as the one suggested should be prescribed to serve the object of the Poona Pact.

(d) *Untouchability will not be removed.*—If liberty is given to the use of both votes without restriction, the caste Hindus will surely exercise no votes in

favour of the depressed and the depressed will not vote for the caste Hindus with the result that, mutual friendly feeling will never grow and the object of the Poona Pact that our untouchability will be removed within 10 years or so will never be fulfilled.

(e) *Utility of second election.*—If the reciprocal voting is not imposed, the caste Hindus and the depressed will be evidently voting for their own candidates. The depressed will vote for the depressed in the panel. Then what is the utility of the second time voting in the general and final election ?

(f) *Predominance of larger castes.*—There are ten depressed castes in the Surma Valley and four in the Assam Valley with varied populations ranging from 1½ lakhs to 4,000. Monopoly will go to the larger castes among the depressed, if votes are left to them without interference of caste Hindu votes. From the quarrel in the depressed deputation, the Delimitation Committee has experienced that the chance of organization amongst the different scheduled castes is distant. Not only valley quarrels there are caste quarrels also.

(g) *Return of fit candidates.*—If votes are left to the depressed without interference of the caste Hindu votes, the scheduled castes will naturally from their caste feeling vote for their own caste candidates whether they are fit or not. No doubt, caste Hindus will select the best candidates, if they get votes for use in favour of the depressed as the depressed candidates have reserved seats and will not be competitors of caste Hindu candidates.

From all points of view, the reciprocal voting is necessary which has been decided twice in the matured discussions of the Franchise Committee of March, 1933, and September, 1935, and also in the Government meetings and agreed to unanimously on 28th October, 1935, by the deputation of the depressed before the Delimitation Committee. This method will evidently promote the object of the Poona Pact.

## VI.—WOMEN.\*

### Madras.

#### 18. Extract from letter, dated 4th November 1935, from Miss M. Janaki Ammal, Honorary Magistrate, Calicut.

##### *Polling Booths.*

I would stress strongly the location of polling booths in every convenient centre in which there are 600 voters to enable the lady voters to record their votes without subjecting themselves to personal inconvenience and trouble. If, however, this system could not be applied to the Tamil Districts, Malabar, with its peculiar conditions, might be made an exception in that respect. My reasons for that are that, despite civilisation and progress, the rural areas in Malabar are still intractable for want of up-to-date communications in the shape of roads and bridges. Apart from the town area, the District, on the whole, is scattered far and wide with hills and forests intervening with many streams and rivulets unbridged, with no facilities for modern conveyances. Further, there is the prevailing impression, very just and logical indeed that acceptance of conveyances from candidates naturally interferes with the independent and discriminate exercise of the franchise.

##### *Single-Member constituencies.*

There should be single member constituencies to enable women to contest general seats, independent of any party. The same procedure may be adopted in the case of men also. It is certain that women candidates would inevitably have to spend larger amounts in the event of plural member constituencies and undertake uncomfortable travelling in distant areas for canvassing votes if the general constituencies happen to be unwieldy.

##### *Preparation of Electoral Rolls.*

The advantage of literacy qualification for women and wife's qualification on her husband's property would be lost if particular care and attention were not to

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\* A Report on certain difficulties in compiling a test electorate roll in Agra in 1933 is printed separately at page 287.

be exercised in the preparation of electoral rolls in all villages. To remedy that defect, I would suggest the appointment of a non-official committee with a lady member on it for the preparation of electoral rolls, the lady member being authorised to receive applications for registry on behalf of women voters. The committee, in preparing the foundation list should make it strictly accurate, adopting all possible safeguards.

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## BENGAL.

### 19. Letter No. 4875AR, dated 23rd December 1935, from the Government of Bengal.

With reference to your demi-official letter No. 1216, dated the 18th December 1935, I am desired to forward herewith a copy of Government of Bengal, Education Department, letter No. 1044-Edn., dated the 4th March 1927, prohibiting the employment of women officers of the Education Department for the recording of votes of women and the utilisation of girls' schools and colleges as polling stations in elections.

The local Government have reviewed the question in the light of the big increase in the number of women likely to be enfranchised under the new Constitution, and have decided to keep the order in abeyance for the first elections under the reformed constitution as far as possible. A copy of Education Department letter on the subject, No. 19 T.-Edn., dated the 19th April 1935, is enclosed here with.

#### ENCLOSURE I.

Letter No. 1044 Edn., dated 4th March 1927, from the Secretary to the Government of Bengal, Education Department, to the Director of Public Instruction, Bengal.

I am directed to refer to your letter No. 155, dated the 12th February 1927, regarding the employment of women officers of the Education Department to work as presiding officers of women voters, and the utilization of girls' schools and colleges for such work. You state that the ladies employed in the Education Department dislike this work, and that the class to which many women voters belong afford strong reasons for this dislike. You also refer to the reasons which make it extremely undesirable that women voters of this class should be allowed to come to girls' schools and colleges. You mention that the Chief Executive Officer of the Calcutta Corporation has written to Miss Wright, Principal of the Bethune College, Calcutta, for help in the recording of votes of women voters in the forthcoming elections for the Corporation, and you ask for Government orders on the matter.

In reply, I am to say that in view of the facts reported by you, the Government of Bengal in the Ministry of Education consider that it would be very wrong to allow the girls' schools and colleges to be utilized over again as polling booths in elections, and they do not desire that the women officers of the Education Department should work in any election in future for the recording of votes of women voters. I am to request that the Calcutta Corporation may be informed accordingly and asked to make their own arrangements for this work.

#### ENCLOSURE II.

Letter No. 19 T.-Edn., dated the 19th April 1935, from the Secretary to the Government of Bengal, Education Department, to the Director of Public Instruction, Bengal.

I am directed to refer to Government Order No. 1044-Edn., dated the 4th March 1927, prohibiting the employment of the women officers of the Education Department for the recording of votes of women voters and the use of girls' schools and colleges as polling booths in any election.

2. I am to say that the Government of Bengal (Ministry of Education) have decided to keep these orders in abeyance for the first elections under the reformed constitution on the understanding that such buildings and the services of women officers will be requisitioned only when it is found to be absolutely essential.

**20. Letter, dated 15th October 1935, from Mrs. Kumudini Basu, Councillor, Calcutta Corporation.**

My *first point* is that the Women's Constituency for the non-Muhammadan woman candidate has been too large, hopelessly unmanageable and extremely costly. In municipal elections Calcutta is divided into 32 wards and a candidate has to approach on an average about 4,000 voters; the area of his constituency also is always of a convenient size, so that the candidate has not to spend much for an election campaign in his limited constituency.

Compared to this, the non-Muhammadan woman candidate's constituency has been selected to be the whole of Calcutta which is two hundred times bigger in area than the biggest municipal ward in Calcutta. So that compared to the Corporation candidate the woman candidate for the Council has to spend two hundred times more money and time in moving round her constituency.

In a corporation constituency the average number of voters is about 4,000. In smaller constituencies there are not even more than 2,000 voters. But the woman candidate for the Council has to approach more than 7 lakhs voters.

I do not know of any Government in the world that has made such an unwieldy constituency for women to contest a seat. The postage for sending manifestoes alone to these 7 lakhs voters shall cost each time an alarming amount, let alone the election costs which shall run up to a fabulous amount making it impossible and unthinkable for women of moderate means who are otherwise highly desirable candidates in point of education, attainments, culture, social service and service to the cause of country and humanity—I say you will make it impossible for such women candidates to contest a seat for the Council who fought for it for years and years and got it after a strenuous fight in two successive Councils.

Women in Bengal have very recently got the franchise. Their constituencies have not been trained as yet and the women voters have not yet fully realised the value of the vote as well as of the candidate whom they send to the Council. In this primitive stage of the franchise if the candidates are required to face such an enormously big constituency and spend such an enormous amount of money then the whole purpose of the suffrage will be frustrated and only the monied class shall have chance to go in for such costly elections.

Looked at from another point of view the size of the constituency and the number of voters should be so formed that all the candidates may be equally placed, none having any advantage or disadvantage over others. This principle should be observed as much as possible in framing the constituency and fixing the number of voters. But this principle has been entirely overlooked in case of the non-Muhammadan woman candidate. Not only the size of the constituency has been made unwieldy and hopelessly unworkable but by the joint vote of both male and female voters, the non-Muhammadan woman candidate has been placed at a great disadvantage compared to the Muhammadan woman candidate who has to seek the female voters alone of her constituency.

To counteract the objections of such an enormously big constituency a sort of remedial measure has been suggested by withdrawing the franchise from certain wards in Calcutta which is most reprehensible both as a principle and as a policy. It is highly unfair, unjust and iniquitous to take away the voting rights of men and women from a certain ward without any rhyme or reason and without any fault of theirs.



To cover the mistake of the Delimitation Committee and reduce the size of the Calcutta constituency some wards have to be deprived of their franchise right and as no principle can be followed to do this, this has been sought to be done on most whimsical and arbitrary way. I take the *strongest objection* to this arbitrary and whimsical method which I characterise as the negation of all Law, Rules and Procedure.

My *second point* of objection is that it has been made obligatory for the non-Muhammadian candidate to seek the votes of both male and female voters of this big constituency.

It is singularly striking that while the Muhammadian candidate has to seek the votes of women voters only the non-Muhammadian candidate has to approach both male and female voters of her constituency for which the number of voters of her constituency has been estimated at over some lacs.

I am therefore opposed, at least as long as the size of the constituency remains as big as it is now, to the non-Muhammadian candidate having to seek the vote of male voters.

Woman suffrage was sought, fought for and obtained all over the world for a distinct purpose and principle. It was found after long experience that many vital questions of social, domestic and public welfare affecting the home and women's sphere of activities were entirely neglected and often opposed by men legislators. It was then that the women took the field and got the franchise.

I am, therefore, of opinion that women candidates should depend first and foremost on women votes alone for whose sake they came into the fray. Purity of the home and purity in social life, maternity and child welfare, evils of cabaret shows and bad cinemas, marriage and divorce laws, inheritance of property and various other matters, intensely affect the women folk alone and it is a matter of regret that men legislators have been found either to be indifferent or directly opposed to any reform in these matters.

These are pre-eminently the woman's cause and the woman candidate should seek the votes of *women alone* for going to the Council.

## 21. Evidence of Mrs. Shamsun Nahar Mahmud, Secretary, All Muslim Ladies' Association, Mrs. N. C. Sen, and Mrs. P. K. Bose.

*Calcutta, dated the 18th November 1935.*

*The Chairman.*—What we want your advice on is how much a woman can do and how many voters she can canvas and so on.—(*Mrs. Sen*) We held meetings in many centres after the Government communiqué was published and knew nothing of these things, i.e., the divisions of Calcutta. We issued a memorandum which was published in all the leading newspapers, in which we have practically told what we wanted to say. We hold the view that it is not fair to give us only one seat in Calcutta—I mean one Hindu and one Muhammadian, when there are 250 members in the coming Council which is bigger than Bombay and Madras, and to have 5 seats altogether for women: it is really very inadequate. If we could have some more seats for Hindu women in Calcutta it would be easier for women to canvas and get elected.

*Q.*—We cannot increase the number of seats that is the difficulty.—(*Mrs. Mahmud*) What we want is that in future whenever the occasion arises you will do it for us. Six seats are meant for the representation of the special interests of women. (*Mrs. Sen*) We are against reserved seats. We do not want any special favour. What we ask you to do is to let us be on the same footing with the men. You give only five seats and make it more difficult by making it the general constituency of Calcutta. What will the poor women do? I have lived in England for 16 years and have seen many women campaigns there. How difficult it is for the women

there to canvas in spite of the fact that they have so many organisations and they have more freedom than the women of India. In Bengal when you are giving it for the first time don't you think that you should make it a little easier for the women? In England in the House of Commons out of 60 women seats nine have got in.

Q.—There is more percentage of ladies in the Bengal Council than in the House of Commons and I should think that you have been more generously treated in this respect.—(Mrs. Sen) I cannot understand how we are going to make it a success. Look to the tremendous expenditure involved in an election campaign. I think very few women here have got independent means to spend money and every candidate will have to spend a few thousands. And then instead of having the whole of Calcutta you divide it into wards. We are strongly opposed to it. I have got a memorandum that was sent in 1931 to the Round Table Conference from the organisations of Calcutta, viz., the National Council of Women and the All-India Women's Organisation. They say that they do not want any special favour. But I do not see anything of the revised proposals in it. It came in perhaps later. Some ladies gave personal evidence and I think they do not understand the special situation in Bengal where the task is an enormous one for women. We like the principle but when the principle cannot be put into practice we should have Dacca, Narayanganj and Chittagong included in the general electorate and Calcutta ought to be only women's electorate.

Q.—Are you seriously suggesting that all the divisions in Bengal should be included in the women's constituency?—We would like the general electorate with men and women. In Calcutta it will be easy for a woman to get the Muhammadan woman's seat because they have got about 7,000 Muhammadan women. But for us Hindus both men and women will mean more than 1 lakh of people.

The Hon'ble Mr. Justice Din Muhammad.—You have remarked in your representation that the Government proposal is unfair to women. On the one hand you condemn restricting the women to selected areas and on the other you complain that you have been given a wide constituency. What are your concrete suggestions?—My suggestion is to have women electorate. If it is not possible then the constituency would be confined to general electorate. Taking the conditions as they are we would strongly oppose to divide Calcutta. (Mrs. Mahmud) The position has been made more difficult by Government. We want the whole of Calcutta and not any particular wards. We want fair treatment.

Q.—Taking things as they are, what do you suggest. If you pick out certain wards, the other wards will have no chance of participating in the election of the special women's seats?—(Mrs. Sen) I think there will be no chance of any desirable woman getting in. It is better to keep the whole of Calcutta. Why put such a tremendous task on the woman's head. Every woman has a right to select her own candidate. We would make Calcutta one constituency.

Q.—While sympathising with your difficulties, how do you think it will be reasonable for us to recommend the restriction of the constituency and at the same time to increase the area of that constituency.—In the new constitution they are supposed to have the special right to select candidates. If you cannot have a woman's electorate it will be better to have the whole of Calcutta than divide it. We wanted to have one constituency for Chittagong as also for the other divisions, and, as you know, Bengal women are far more advanced and they feel that the education and their culture fit them in every way to exercise this right. It would have been better if we had got 10 seats. (Mrs. Mahmud) We simply place our views before the Government and it is for them to do the needful. We want all the Calcutta wards being allowed to vote and we want the women's electorate.

The Chairman.—We have dealt with the facts as they are and we are anxious to afford all facilities to make the election as easy as possible. There is no sort of restriction as you are able to put up women for all the constituencies right throughout the province, Muhammadan, Urban, rural or general constituency. What we are taking special pains to make sure is that the future Legislative Assembly will have the advice of some ladies. In the House of Commons you know there is a

great value attached to the presence of these ladies, not because of their number but because of their qualities. They speak on behalf of the womanhood. Do you still think that it would be better to have the whole Calcutta constituency?—(*Mrs. Sen*) We have been strongly advised by some members of the Legislative Council—even by Mr. Wordsworth—and other Indian and European ladies and gentlemen, to cut down Calcutta and have few wards. We want women's electorate. As you know, in most matters, for instance in social matters, it is the men who stand in the way. If women vote for women they would know who would be their best speakers, and there are many progressive women now-a-days.

*Q.*—What is your practical proposal? Do you want the whole of Calcutta?—(*Mrs. Mahmud.*) We want the franchise to be as wide as possible. At the same time it would be a difficult problem and we find no solution for it, but it is for the Government to solve the problem. (*Mrs. Sen*) The All-India Women's Conference recommended a mixed electorate for the whole of Calcutta.

*The Hon'ble Mr. Justice Din Muhammad.*—You should remember that the women will have their votes: only they will have to exercise them in the choice of men, if no woman stands. In the case of reserved seats they will be cast in the choice of women. (*Mrs. Sen*) We insist on woman candidate and not so much on man candidate.

*The Chairman.*—As an alternative what do you think of the idea of having a constituency in a certain portion of Calcutta where you know there are a fairly large number of women who are far advanced and who will vote. It is better to begin in a small way. Then you will have another seat as well, in a constituency where men and women will vote. But it is not possible to increase the number of seats.—We want mixed electorate for the whole of Calcutta.

*Q.*—You mean to say it should be one of the Calcutta seats and not a ward from here and a ward from there.—One such constituency that will return a man and a woman.

*The Hon'ble Mr. Justice Din Muhammad.*—It may be coterminous but it will not be a man's constituency. It will be named as a special constituency?—Besides the Hindu woman in Calcutta there will be another woman. (At this stage Mr. Gilchrist explained the matter to Mrs. Sen). (*Mrs. Mahmud*) There are only two women constituencies for the women of Bengal one for Calcutta and the other for Dacca cum Narainganj. The All-India Women's Conference strongly protested against this unfair proposal. We want the women franchise to be as wide as possible. There must be representatives from all over Bengal.

*The Chairman.*—But you have got the franchise for women's constituency. —(*Mrs. Mahmud*) The women of Calcutta and Dacca and Narainganj are getting this advantage alone but why should the women of other districts be deprived of this facility? Narainganj is not so important with regard to women's franchise.

*Q.*—What your argument comes to is this: As regards the special constituency you said first of all that there are only 5 special women constituencies and protested that your seats were at least not double that number in view of the political importance of women. Then you improve upon that and propose that as regards the Indian women seats two should go to Moslems and two to general, one to West Bengal and one to East Bengal. But we must make a constituency manageable so that the candidate may maintain some relation with the electorate. So we must have a comparatively small constituency. Further that for East Bengal it should be composed of Dacca town and Narainganj which are closely connected. You say in that case what about the women of Rajshahi, Chittagong, Midnapore, etc., and that while women of Dacca are getting the vote others don't. That is perfectly true but in the present circumstances that cannot be avoided?—(*Mrs. Sen*) Do you tell us that in the present circumstances it is not possible to enlarge the Calcutta constituency? But as regards Dacca constituency we suggest that it should be enlarged to include at least Chittagong. (*Mrs. Mahmud*) If it is possible to add other towns also at least the divisional headquarters well and good but if that is not possible at least Chittagong should be added to Dacca

Chittagong is one of the most important towns in Bengal, and women of Chittagong are very much advanced in education.

*The Hon'ble Mr. Justice Din Muhammad.*—Don't you think that it would be very inconvenient for a woman candidate to travel from Dacca to Chittagong?—*(Mrs. Mahmud)* Narainganj can be easily left out because it is of no importance with regard to women franchise.

*The Chairman.*—Then what about Comilla, Noakhali and Bakarganj? We know that Chittagong and Dacca are separated from each other by long distance.—But we cannot give up our legitimate rights for others on the ground of unwieldiness of the electorate. Government have made our position very difficult.

*The Hon'ble Mr. Justice Din Muhammad.*—Do you belong to Chittagong?—I belong to Noakhali but was educated at Chittagong.

*Q.*—Do you suggest that this constituency should be confined only to Muhammadans or be open to general women?—If it is possible to enlarge the general constituency well and good.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—You are specially advocating a Moslem constituency in Chittagong?—If it is possible to enlarge well and good but if it is not possible you can extend it to the Muhammadan women constituency at least. In comparison with the Calcutta women constituency, the Dacca women's constituency is quite a manageable constituency. Even if Chittagong is included the number of electorate will be roughly speaking 4,000 and in Calcutta the Muhammadan woman's constituency where women only can vote the number is 7,000. Government have also agreed that if it is not possible to include any other towns say divisional headquarters, it is not possible to include Chittagong. The proposal was defeated by a majority of 8 to 6 in the Provincial Committee because there was no representative of Chittagong on that committee.

*The Chairman.*—It is a very difficult question. If we include Chittagong then why not include Mymensingh, Hooghly and Midnapore?

*The Hon'ble Mr. Justice Din Muhammad.*—How to jump over the intervening area?—*(Mrs. Mahmud)* We can go to Europe and Karachi for educational purposes and can't we go from Dacca to Chittagong for this purpose?

*Q.*—The same argument that you are employing may be advanced by other women that is why should they be superseded by Chittagong women? Why should the latter be preferred?—*(Mrs. Sen)* Why was Dacca chosen at all.

*The Chairman.*—As a large educational centre.—Chittagong is in no way less advanced in female education than Dacca.

*The Hon'ble Mr. Justice Din Muhammad.*—Why not say clearly that take this seat away from Dacca and give it to Chittagong?—We cannot be so selfish.

*Q.*—You do not suggest to take away the seat from Dacca to Chittagong, but you say that Chittagong should be added to the women's constituency and that is reasonable from your point of view. But that looks unreasonable to us considering the distance between the two places. If you had said that the seat should be taken away from Dacca and given to Chittagong that would have been more reasonable?—I think that proposal also came from certain individuals or associations. Dacca, Chittagong and Narainganj are not as big as Calcutta.

*The Chairman.*—Trying to canvass the whole of Calcutta means tremendous expense, so I would press you to answer this: Do you still seriously prefer that all the special women's constituencies should include the whole of Calcutta rather than selected wards of a man's constituency?—*(Mrs. Sen.)* One constituency of course would mean less work, but then we leave out so many wards that it would be a very small constituency. I also think that if we have the whole of Calcutta there will be so many voters that the candidates will not be able to go to every one of them.

*Q.*—You advocate that the whole of Calcutta should be a woman's constituency rather than disappoint women in the constituencies which will include six Calcutta men's constituencies and make them for purposes of a special women's constituency one special constituency? Do you expect the women to canvas all these voters?—*Yes.* If you take a few wards, say ten, even that would be bigger than a man's constituency.

*Q.*—I gather that you prefer to take certain selected wards but even that would be too large, and I think beyond an average woman's strength to canvas?—*(Mrs. Bose)* It would be large no doubt, but the ideas of woman's election and candidature would spread all over the area.

*Q.*—What idea do you mean to spread—that they have got the vote? That she is qualified to become a voter or elector? And that these seats confer an extraordinary privilege on your sex?—But what is the difficulty in choosing certain wards?

*Q.*—The size of a woman's constituency should be restricted; otherwise it would be bigger than a man's which would not be at all fair. If you make a constituency too large it might frighten away desirable candidates. So I would suggest a man's constituency so that the women voters therein may be easily gettable and canvassed.

*The Hon'ble Mr. Justice Din Muhammad.*—You know where the women are in large numbers. You ought to know best which wards should be chosen.—*(Here Mr. Gilchrist explained the map regarding the distribution of constituencies in Calcutta.) (Mrs. Bose)* May I ask what is the advantage of taking only one constituency from the men's instead of taking some wards here and there?

*The Chairman.*—For administrative convenience. Secondly as we have got the same electoral roll you will probably have the assistance of some of the canvassers of the male candidates. It will be convenient for the lady candidate to go round with this man; one constituency will probably be the easier and will save expense also.—There will be two elections on the same day.

*Q.*—But one election will be in a woman's constituency.—If the election is on a separate day, in what way does it help the woman?

*Q.*—The question of canvassing and the question of expense and the question of nursing the constituency have to be considered.—*(Mrs. Sen)* It would in any way interfere with the women if they are confined to one ward; but if she has wards all over the town, then she will be able to wield larger influence.

*The Hon'ble Mr. Justice Din Muhammad.*—In what manner? I do not think she will be able to visit all the wards to canvass votes?—The male candidates' canvassers will do this for them.

*Q.*—In case several wards were formed into one constituency, the poor lady will have to requisition the help of half a dozen candidates who are contesting the general male seats and go about and beg for votes from all the candidates.—*(Mrs. Bose)* She would have the help of all the men standing from the different constituencies.

*Q.*—Is it not more honourable to beg from one only than to beg from five? Don't you realise that it would be difficult for her to go and beg for votes from several persons?

*The Chairman.*—It is a very difficult question. I want to impress on you the fact that we want to make it as easy as possible for the woman to contest these special seats and we hope that they will be successful without having to spend an undue amount of money and without undue trouble or toil?—We have to talk that over.

*The Hon'ble Mr. Justice Din Muhammad.*—We have not made up our minds and shall have to think over the matter in the light of the opinion you have given.—*(Mrs. Sen)* If we are going to have a constituency it is better to have one centrally located with some wards from the north and some from the south.

Q.—Why didn't you send a suggestion regarding those wards? Just let us have a memorandum on this point.—(Mrs. Bose) Would not that be too late?

Q.—No, we are still open to conviction till the end of January.

### United Provinces.

#### 22. Evidence of Begum Liaquat Ali Khan Sahiba.

*Naini Tal, dated the 12th October 1935.*

*The Chairman.*—We wish to ask you a few questions, Begum Sahiba, about women's votes and women's constituencies. One of our problems is that we have been told that women are unwilling to register themselves as voters. Can you suggest any way in which we can facilitate their doing so?—I think there is every hope that women will come forward and register their names on the electoral rolls, provided enough publicity is given to the fact that their electoral rolls are being prepared.

Q.—Do you want that this should be announced by beat of drum?—It should be done through papers and also by beat of drum in the case of villages and small places. So far electoral rolls have been prepared privately and most people know nothing about them. It will be men who will see that their women folk are registered and so there will be no difficulty.

Q.—At one place it was suggested to us that women should go round to different houses and into the *haveli* to enlist women voters, and then we were told that such a thing would be resented?—I think it would be better if men did this work. Men will see that those women of their family who are eligible for voting are enlisted, because the more voters there are in a family the more important that family becomes.

Q.—Then there is the difficulty of women having to walk a long way to record their vote.—Yes.

Q.—At present under the law if a candidate wants to hire a conveyance for voters he is not allowed to do this. That is a corrupt practice. We were told that actually that law is not observed and we shall have to consider whether we should recommend its abrogation, because it is no good having a law which is not observed. Do you think that it would be in the interest of female voters to allow the continuance of this corrupt practice, so that candidates could pay for the hire of conveyance for voters?—The problem of conveyance is very difficult, because women cannot be expected to go very far to record their votes. As you just put it, it is a fact that people do pay for conveyance when they are not allowed to do it. I do not see why that law should be in existence, but I do realise that in the case of women there is a great difficulty of transport. People will not spend their money to go and register their votes. Some provision should be made somewhere.

Q.—Six seats have been reserved for women, to which only women can be returned, but men and women both will vote. Would you advise that these constituencies should be only urban, where it is possible to make better arrangement for women voting, or should there also be rural constituencies?—Personally I think the interests of the people in urban areas are vitally different from the interests of those in the rural areas, and therefore there should be both rural as well as urban constituencies. The difficulty in the rural areas can be solved by having only one *tahsil* constituency, where it shall be convenient for the women to vote, and not spreading it over a number of places in a rural area.

Q.—As suggested by the Begum Sahiba we can take up that. Then as regards conveyance of women voters, the idea of course will be to have a separate polling station for them, have it staffed by women—women presiding officer, women polling officer and so on?—I think it is of fundamental importance that there should be separate polling booths for women voters at every polling station, with adequate *pardah* arrangements.

Q.—Is it practicable ?—I think so. As women have got votes, you must provide for them facilities to register their votes. The majority of women are still in pardah. They will not come forward and register their votes if there are not separate polling booths for them.

Q.—Where are we to get women workers ?

*The Hon'ble Mr. Justice Din Muhammad.*—If the area of the constituency is reduced, this difficulty may be solved.—That is so. At the same time you can always get some women doctors or teachers who can help in the election work.

Q.—This may be another argument for reducing the size of the constituency for women.—Yes.

Q.—Your opinion is that some women would be forthcoming to supervise elections, but if the area is very large, it would be very difficult to find such a large number of suitable workers.—Yes.

*The Chairman.*—There are 4 general and 2 Muhammadan seats for women. As regards general, they suggest for the urban Benares city. I do not know whether it is possible in Benares to make arrangements of the kind you indicate.—Among Hindus there is not such a vital problem of pardah. There are some who are out of it.

*The Hon'ble Mr. Justice Din Muhammad.*—We can entrust this work to Christian, Anglo-Indian, European and American Missionary women.

*The Chairman.*—Now as regards your Muslim women's constituency, the urban seat is suggested for Lucknow city. Is it a very big place ?—It is a very big place. You will be able to get a number of women polling officers there. There is a women's college and many women's schools. There is also a Medical College with lady doctors. Missionary ladies will also be available there.

Q.—Do you think women would come forward to do this work ?—I think so. Women who are in the educational or medical line would be willing to help in this work.

Q.—If we pay their expenses. —Yes, engage them for the day and pay them the expenses of coming. There would be no difficulty.

Q.—In the women's constituencies we are anxious that women should vote but in general constituencies it is impossible, as there it is not possible to have polling stations entirely staffed by women. We have got your views. First you want that the size, if possible, should be reduced in the case of rural areas, and then you do not regard Benares or Lucknow too big ?—For urban they are quite all right.

Q.—As regards rural constituencies general or Muhammadan men and women are going to vote together. Just take the case of a Muhammadan gentleman, whose wife is strictly in pardah and he, as you say, values the fact that he gets two votes for his household. But he does not want his wife to go to the polling booth and therefore dresses his boy in a *burqa*. What are we going to do about her identification ?—This can be done if you have separate polling booths, where every woman can take off the *burqa* as there will be only women present in that room.

Q.—Our trouble is that it is impracticable in the mofassil to get separate polling booths.—There would not be many women coming forward in small places, but there too you have teachers of a mission school or the officers' wives, who might help. There are always two or three officers even in a small district.

Q.—Take an ordinary *tahsil*. How many polling stations will there be, 10 or 12 ?—There should not be more than 10 or 12 for women.

Q.—In that case it means they will have to go a much greater distance ?—That is a difficulty that one has to face. For the identification of women you must have separate polling booths, otherwise how can you identify ?

Q.—It is a practical difficulty. If they can go into a room where there are only women, they can take off their *burqa* ?—Yes.

Q.—It is a real and a practical difficulty.

*The Hon'ble Mr. Justice Din Muhammad.*—If the law is changed regarding corrupt practices, do you think it possible that women will not mind travelling even 20 or 25 miles in a tonga or conveyance provided by the candidate?—If the law is changed, that will make a lot of difference.

*The Chairman.*—With regard to the point you raised about having a separate polling booth with proper arrangements for women, it was represented at one place that this would in fact be a disadvantage, because the husband or a relative who will escort the wife, mother or sister, will not be able to help her?—Why should he help? He should escort her only so far as the door.

*The Hon'ble Mr. Justice Din Muhammad.*—Your suggestions are mainly confined to the special constituencies. In the general constituencies you realise it is impossible to have separate arrangement for *pardah* women?—It is not impossible. There may be separate blocks in one building, half for men and half for women.

*The Chairman.*—We might say for half an hour the polling booth would be reserved for women only, say from 1 to 2. But that again will be inconvenient for the male relatives because they also want to have their tiffin interval?—They are not the type of people who really care for their tiffin.

*The Hon'ble Mr. Justice Din Muhammad.*—But the polling can go on simultaneously if there is a separate entrance for women voters?—There should be a separate entrance.

*The Chairman.*—So the husband will bring his wife, escort her as far as the entrance, she will poll her vote, come out, and the husband will take her back.—Yes.

*The Hon'ble Mr. Justice Din Muhammad.*—Just as they do for *pardah* parties. Their male relatives sit outside and when the party is over, they escort them to their houses.—Yes.

*The Chairman.*—Do you think that women will stand as candidates for the general and Muhammadan constituencies, that is in which men and women can stand?—I do not think there will be any Muslim ladies who will contest general seats, but there might be some Hindu ladies who may stand for general seats, and they might get in also.

*The Hon'ble Mr. Justice Din Muhammad.*—You mean those who are interested in the Congress movement?—Yes.

*The Chairman.*—You know elections have sometimes unpleasant features, for example putting up mock candidates—such as a sweeper or a *chamar*. Is there any likelihood of a *nautch* girl being put up as a candidate against a respectable lady?—It may be quite possible, but men will manage the elections. In elections one has to expect things like that.

Q.—That won't discourage women from standing as candidates.—No.

*The Chairman.*—Thank you, very much. It was very kind of you to come. Your evidence has been very useful.

## 23. Evidence of Kunwarani Lady Maharaj Singh.

*Naini Tal, dated 12th October 1935.*

*The Chairman.*—First of all, Lady Maharaj Singh, I thank you for having taken the trouble of coming over to help us. I want to ask for your advice on certain points about women's representation in the Legislative Assembly of the United Provinces. The first thing is this. How can you get the names of women on the register? You know a lot of them will have to be registered on application, and as far as I can gather they are very slow in coming forward. It may be that perhaps their husbands do not like them to go to the polling station?—Yes, it may be due to that.

Q.—Can you suggest any way by which we can put their names on the electoral roll?—Before you asked me to come here, I discussed the question with certain Muslim gentlemen who know a good deal about these things.



They told me that there is a gentleman at Lucknow who has been trying to educate women by going into the district and getting these people to give their vote. The difficulty is that the people are so ignorant and backward that in some cases they acted as if they were going to be asked to remarry. Under these conditions I really cannot see how you can force them to vote.

*Q.*—Of course, we cannot force them because it would be defeating the object. —That is also my belief.

*Q.*—Don't you think it will do more harm than good?—I cannot say, but I think force should not be used.

*Q.*—We were told in the Punjab that they actually met with great opposition. I think it is all due to ignorance. Some of the husbands resented their wives going to the poll and said "We don't want you to interfere with our households".—Yes, this is due to ignorance.

*The Hon'ble Mr. Justice Din Muhammad.*—Generally speaking this difficulty will not be felt in the case of Hindu, Indian Christian, Parsi and Sikh ladies who are more advanced than Muslim ladies?—Even in the case of Hindu ladies of advanced views this difficulty is felt. But it is much more so in the case of Muslim ladies. If they are sufficiently educated and intelligent, they understand the value of the vote, but then they are not all willing to come forward. The main point is the ignorance of the village people, and I think this difficulty can be overcome by influence. I cannot think of any suitable method. You perhaps have more experience than I have and could better devise some means of doing away with this practical difficulty.

*The Chairman.*—Then as regards actual polling we have had a great deal of trouble. One real difficulty is the identification of a female voter who goes to the poll. How is she going to be identified?—I have had a suggestion that she ought to be accompanied by a reliable relative who should be able to vouch for her identity.

*Q.*—You mean in the event of impersonation he should be held responsible? —Yes.

*Q.*—Then there is the case, for instance, of a Muhammadan who does not want his wife to vote and dresses up his boy in female attire and sends him in a *burga* to the poll. We are told that in Delhi 300 such cases occurred?—This difficulty can be got over if you look at the hands and feet of the voters. I am pretty sure if a man puts out his hand, he could be easily recognised. There is always some difference between a man's hands and a woman's hands.

*The Hon'ble Mr. Justice Din Muhammad.*—But supposing he or she pretends to be illiterate and asks the presiding officer to mark the ballot paper for him or her? In that case hands can not be seen.

*The Chairman.*—I don't see how we can meet this difficulty, unless there be one lady presiding officer. If you can get this done, the presiding officer can challenge a woman's identity whenever she suspects it.—I should think so.

*Q.*—Then as regards the polling arrangements. We have men and women polling together, as is the case for general seats. Do you think we should have separate entrances for women and for men, so that they can go into the room separately? In that case they will have to put a woman presiding officer for women?—That does not make any difference.

*Q.*—It does make a difference. It means so many more presiding officers—two at each polling station?—I think one presiding officer would do at one station. You have only to put screen in the middle and the women can enter by one door and the men by another. The presiding officer can go to the women's compartment when there is a female vote to take.

*Q.*—But he could see only one door at a time. You cannot expect him to see both doors at one and the same time.—He can watch the doors alternately and go over to women's side once and to men's compartment at another time.

*The Hon'ble Mr. Justice Din Muhammad.*—He has nothing to do with illiterate voters who mark the ballot paper themselves and put it into the box.

*The Chairman.*—But if you have illiterate voters who according to regulations of this province have to ask him to fill up their papers and he has to do it in the presence of the agents of candidates so that they may see that he puts it in the right box? You have got all these people around. And then you cannot give every polling station two presiding officers?—That is why I suggest one presiding officer and the putting up of a screen to ensure privacy for women. I do not suppose there would be such a great rush that the presiding officer would not be able to manage the affair.

Q.—One other thing about women's constituency, namely, the constituency in which only women can be returned. It would be very nice if as an experiment we could have all polling stations staffed by a woman presiding officer, and you could have the women going to their own polling station separately where there is a special women constituency?—I don't see any reason why it should not be possible.

Q.—Do you think this can be easily done in large towns?—I think so. There is only one urban constituency in Benares, and there you have got many professor ladies in the University who could be put on as presiding officers.

Q.—Do you think these ladies would come forward to help us?—I think they would.

Q.—You think they would not feel shy?—They might in the beginning, but I don't think there would be any material difficulty if they are guaranteed that they would have sufficient protection from molestation.

Q.—Would the ladies be willing to stay at the polling station all day?—You can get those who are willing.

Q.—Have you any more points to put before the Committee?—I have been studying the question of the distribution of seats for women and I have noted one fact, about which I believe you have already received a memorandum. It is the question of moving the Muslim women seat from Moradabad to Saharanpur. It does not seem justifiable from the facts I have got. I have got the facts from the Minister of Education. The point is that Saharanpur, as far as the literacy of women is concerned, comes absolutely in the last. There are 48 districts in the province, and Saharanpur figures the last. There is no girls school there. Moradabad comes sixteenth on the list and literacy amongst women there is much higher. I do not understand how it is that this change has been made. It seems to be quite unfair. There must be some misunderstanding. Moradabad women are naturally upset about it, because they have 2,054 girls going to school and the number of girls school there is four: whereas Saharanpur has none and the number of girls reading is only 287. I really do not understand how this misunderstanding came about.

Q.—Is not the trouble due to this—that Moradabad is going to have a special women's constituency from the rural side, and Government do not want to give two women's seats to Moradabad alone? So the Muslim women's seat has been transferred to Saharanpur?—But why is this Muslim seat being transferred to Saharanpur.

Q.—Because if this seat is not taken away from Moradabad, it will have two seats. They are shuffling the Hindu seats from Meerut, Allahabad to Fyzabad and Moradabad?—It is not really acceptable to women as far as I know. The Meerut general seat is being moved to Moradabad and it is acting and reacting adversely in both cases.

Q.—I think the reason is that they wanted to give the Muslim women seat to the Meerut Division.—It seems to me that is unfair because the standard of literacy among women is lower on that side than on this side. You would be likely to get a much better type of educated women on this side than the other. It does seem that the reshuffling of the General seat from Meerut to Moradabad and the Muslim seat from Moradabad to Saharanpur is quite unnecessary, and rather unfair. There must be some misunderstanding.

*Q.*—We will examine the case again, but I think the United Provinces Government will say that they are anxious to keep the Muslim seat in the Meerut division. Can you suggest any other district in the Meerut division which would be better and has a higher standard of literacy than Saharanpur?—I am afraid I could not tell you here. I have got a whole list of the province with me at home which the Director of Public Instruction supplied me. I have noted from that list that Saharanpur which is the last and lowest from the Muslim women's literacy point of view has been given a seat. One of my informants on this point was a Muslim collector who deplored the backwardness of Muslim women in Saharanpur.

*Q.*—Which place tops the list in your list?—I am sorry I couldn't tell you definitely, but I imagine it is Lucknow.

*The Hon'ble Mr. Justice Din Muhammad.*—Would you kindly send us a copy of your that list at any time convenient to you?—Yes. The Minister for Education (Sir Jwala Prasad) has also got a list. When I referred to him this question, he said that he had already got the list.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—So far as the Local Government's proposals regarding the general women's seats is concerned, do you agree with them?—I agree about others except the Moradabad seat which should be in Meerut. Meerut and Moradabad should not have been transposed.

*Q.*—Originally Meerut was given a Hindu seat, but now they have substituted Moradabad; and Moradabad was originally given a Muslim seat which they have now transferred to Saharanpur.—Yes.

*The Hon'ble Mr. Justice Din Muhammad.*—Saharanpur is in the Meerut division so you can take it as the Meerut constituency.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—You think that from the Hindu point of view Meerut ought not to have been changed to Moradabad, and from the Muslim point of view Moradabad should not have been changed to Saharanpur?—Yes.

*Q.*—With regard to literacy among Hindu women does Meerut compare favourably with Moradabad?—I cannot say, as the list with regard to Hindu women is not quite definite.

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### Punjab.

#### 24. Evidence of Shrimati Lekhwati Jain, M.L.C.

*Lahore, dated the 4th October 1935.*

(The witness spoke in the vernacular.)

(Her first object in coming to give evidence was to have the distinction between urban and rural abolished. She wanted further representation for Urban Hindus.)

*The Chairman.*—What arrangements did you make for canvassing to get yourself elected?—I went to everybody personally, but I think that a lady is necessary to accompany a woman candidate. It would be very difficult for a woman to go about canvassing both men and women.

*Q.*—Who did canvassing for you?—I did it myself, but was helped by my husband and his friends.

The witness further submitted that if the polling officers were women, there would then be no difficulty. The chief point was that women constituencies were very large and unwieldy, and therefore women would be put to inconvenience if they went about canvassing in the rural areas which were very vast. She recognised that they must be reduced to some urban area.

She also said that women in the Council were opposed by the rural members because they said that they would not allow their women to go about anywhere they liked. There should be polling booths in every Mohalla and street. There should be separate booths for women.

*Q.*—It is impossible to have polling booths for women. We cannot get enough ladies to control them.—We can of course use school mistresses. There are girls schools scattered about all over the districts and it would not be impossible to adopt my suggestion.

*Q.*—Is it your view that it is better in the first instance to confine these women's constituencies by which women have to be returned to urban areas?—Yes. I like it.

(Witness further submitted that she had come to protest against the general women's seat being given to the Lahore Municipality, because the women there were not taking much interest in political matters. She belonged to the Ambala Division, and she was the first lady to be elected. She said that this should be given to the Ambala Division. In Lahore, we may have fashionable women, but in Ambala we have more educated women.)

The Chairman then thanked the witness.

### Orissa.

#### 25. Extract from letter dated the 9th October 1935, from Mrs. Braja Sunder Das, Honorary Assistant Secretary, Orissa Council of Women.

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5. The Orissa Franchise Committee recommended that in the General Women Constituencies both men and women should be entitled to vote. The local Government accepted the recommendation of the Committee that the arrangement of the two reserved seats of the Women's Constituencies should be as follows:—

(i) Cuttack, Balasore, and Sambalpur Municipalities where the population is 98,123.

(ii) Puri, Berhampur and Parlakimedi Municipalities where the population is 95,390.

6. Those constituencies at the incipient stage are too large to be properly handled, and they would make the task of women candidates unusually heavy as compared with those of men's constituencies. Where we find that populations of some of the men's constituencies are very small such as Indian Christian (population 4,331) Landholders, Commerce and Industry. The population figures show very clearly the disparity in the task involved for women candidates if the Orissa Franchise Committee's recommendation is accepted.

7. Our organisation views with distress and alarm that efficient and eligible candidates would find it very difficult to work amongst such a large population and consequently no efficient woman would stand as a candidate to work the Reforms in the Legislative Assembly and it would only open the door for the Congress candidate. Besides, in case of multiplicity of candidates the expenses would be too heavy and will practically shut the door against a woman member of a joint family who holds a joint purse as well.

8. Therefore our organisation is strongly of opinion that there should be delimitation of population in women's constituencies in such a way as to enable a candidate to work properly and efficiently in her constituency.

9. Our organisation accepts the local Government's recommendation that the women's Franchise should be limited to urban area, i.e., the six Municipalities only, but not in the way as has been proposed by the local Government.

10. In the interest of women in Orissa, where female education is not so advanced and where purdah still secludes a vast majority of women, our Council strongly recommends to the Committee to try to devise tentatively a smaller and more workable general women's constituencies on a basis of selection of two Municipalities by rotation for two reserved seats.

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**Sind.****26. Letter, dated 16th December 1935, from Mrs. M. Hatim Tyabji.**

We desire to express our whole-hearted support of the opinion expressed and the recommendation made in para. 48 of the Report of the Sind Delimitation Committee and in the supplementary Report of October 4th, 1935 that women's constituencies in Sind should be reserved for women voters only.

There is not a single Muslim worker in Sind (much less any body of Muslim women) who can look with anything but disfavour (and in most cases disgust) at any proposal involving the necessity of their own representatives canvassing the votes of men.

Apart from this practical objection of mixed constituencies, the objection on grounds of principle and reason, we feel is equally cogent. The representation of women, and the special interests of women, in any case is going to be extremely inadequate and numerically almost insignificant. The woman who succeeds by obtaining the votes of men cannot be said to represent women or the special interests of women, and as the Committee have rightly pointed out, a very likely result of mixed constituencies will be exclusion of just that type of women which is most needed in the political life of Sind. We also desire to point out that the views expressed by Miss Khemchand in her representation dated November 26th, 1935 regarding joint and mixed electorates are diametrically opposed to the views of the Muslim women of the province and also we believe to those of the great majority of our Hindu sisters. Miss Khemchand herself attended the Sind Sessions of Sind All-India Women's Conference in 1934 and the Sessions of the All-India Women's Conference at Karachi in December 1935. On both these occasions the question of joint electorates was raised in the Subjects Committee and was thrown out, and was not even placed before the main body of the Conference, in view of lack of support. The unanimity of Muslim women on this point is a well known fact.

We desire to add that the proposal to have the voting recorded at 10 towns in Sind as recommended in para. 49 of the report of the Sind Delimitation Committee has our full support (provided voting is restricted to women only).

We however desire the Committee to note that we cannot possibly regard the fact that there will be only two women in the Council and only one woman to represent the Muslim women of this province, with anything but disappointment. In Bombay there will be 6 women in the Council 5 Hindus and 1 Muslim. We think there should be at least four women in the Council in Sind, and not less than two of these should be Muslim.

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## **VII.—LANDHOLDERS.**

### **Distribution of seats in the United Provinces Provincial Legislative Assembly.**

#### **27. Memorandum of the Agra Province Zamindars' Association, Allahabad.**

Under the Government of India Act, six seats have been allotted to the landholders of these Provinces as Special Interest in the United Provinces Legislative Assembly. The question before the Committee at present is the just and equitable distribution of these seats between the various parts of the Province. United Provinces consist of the Agra Province and the Province of Oudh. In Agra the number of districts is 36 whereas in Oudh the number is only 12. The revenue paid by the landholders of Agra Province is over five crores whereas the revenue paid by the landholders of Oudh is over one crore. The area of the Agra Province is nearly three-fourth of the total area of the United Provinces. The question for the decision of the Delimitation Committee is as to how many of these seats should be allotted to the landholders of Agra and how many to the landholders of Oudh.

If we take the total revenue paid by the landholders of the two Provinces respectively, Agra is entitled to five seats and Oudh to one, whereas on the basis of the

area, Agra should receive  $4\frac{1}{2}$  and Oudh  $1\frac{1}{2}$ . It is contended that these seats have not been allotted to all the landholders, irrespective of the amount of land revenue which they pay, but to so-called, great landholders. The question arises as to what class of people are to be regarded as great landholders for the purposes of these seats. It has been laid down in the past that the landholders paying land revenue of Rs. 5,000 or more should be classed as great landholders. Under the present reforms, in Agra Province, every Zamindar paying land revenue of Rs. 5,000 or more is entitled to vote for the special seats of landholders. In the present Legislative Assembly also the franchise for the landholders' seat is the payment of Rs. 5,000 or more as land revenue. The Government in their proposals for the future Federal Assembly for the special landholders' seat in these Provinces have also laid down the franchise qualification as the payment of land revenue of Rs. 5,000 or more.

Thus it is clear that the payment of land revenue of Rs. 5,000 or more has been recognised as the qualification for a great landholder. The number of such Zamindars who pay a land revenue of Rs. 5,000 or more in Agra Province is, as stated by the Government, 716, whereas the number of Taluqdars in Oudh, irrespective of the amount of land revenue is only 260, as stated in the Report of the Indian Statutory Commission, Vol. I, page 64, paragraph 82. On the basis of numbers also the Taluqdars of Oudh are entitled to receive less than two seats out of six seats. Even after giving due weightage to the historical importance of the Taluqdars of Oudh, they cannot in justice claim more than two seats. The taluqdars of Oudh claim 4 seats out of six for their Association. They claim four seats for only 260 members and suggest that the Agra Province Zamindars' Association, Allahabad, should get only two seats for 605 members. In other words they claim one seat for every 65 members and propose for Agra one seat for every 302 members. On the face of it, the demand of the Taluqdars is to say the least, most unjust and extravagant. At the present moment the Taluqdars enjoy four seats out of six that have been given to the landholders of these Provinces and demand that the same should continue. The Zamindars of Agra have all along been smarting under the great injustice which was done to them, when the present constitution came into being, and they were deprived of their just and equitable share in these special seats. The argument that because injustice was done to a class in the past, should be continued for all times to come, is not tenable. It is stated in the Report of the Indian Franchise Committee, Vol. I, page 132, paragraph 333, that, "The possible re-distribution or re-arrangement of the landholders' constituencies should further be examined at a stage when the constituencies are generally delimited." Then again on page 225, of the same Report, paragraph 29, this fact that the re-distribution of these special seats was contemplated by the Indian Franchise Committee, is evident from the following statement of some of the members of the Committee, "While we agree that there should be no increase in the number of seats, there are not a few anomalies which require to be rectified such as the very unequal and unfair distribution of seats between the Taluqdars of Oudh and the Zamindars of Agra, the Zamindars of Oudh who are not Taluqdars receiving no share at all. We shall be sorry if such patent anomalies and inequities in the existing arrangement are to be continued". It is perfectly clear from the above quotations that the Indian Franchise Committee had this fact definitely in view that at the time of delimitation of constituencies, the injustice that was done to the Zamindars of Agra Province in the past, shall be remedied. Here we would like to mention that from the very beginning the recommendations that have been made by the Government have been to allot a larger number of seats to the Zamindars of Agra than to the Taluqdars of Oudh.

The question is whether the seats that are to be allotted to the landholders of Agra should be given to their Association or whether these seats, whatever their number may be, should be allotted to the territorial constituencies. We submit that the seats to the landholders of Agra should be allotted to the Agra Province Zamindars' Association, Allahabad. The number of members of our Association at present is 605 out of a total number of 716, who pay a land revenue of Rs. 5,000 or more. This Association represents a very large majority of those Zamindars for whom the special seats are meant. The number of the members of the Association is increasing every day and we have every hope that within a very short time

practically every one of the Zamindars paying land revenue of Rs. 5,000 or more will be on our rolls. The land revenue paid by the present members of the Association is in the vicinity of 85 lakhs and the land revenue paid by all the Zamindars who are eligible for membership of the Association is much over one crore. When allotting seats to an Association, the facts that should weigh are the number of members, the continuity of membership and its increasing importance. We have already stated the number of members above. As regards the continuity of membership, in accordance with an Act of the Legislature, a person who once becomes a member cannot cease to be a member during his life, time, so that there is no fear that at the time of elections, the number of members will swell and immediately after the elections it will go down. As regards the increasing importance of the Association, we would like to quote the following from the Report of the Indian Statutory Commission, Vol. I, page 64, paragraph 82, in which it is stated that "The Zamindars of Agra Province also form a landed aristocracy of special importance. They were at one time less well-organised than the Taluqdars of Oudh....., but the Zamindars of Agra now have their Association also with the headquarters at Allahabad". The allotment of these seats to the Association, will further consolidate the position of the Zamindars as a class.

The Government in their proposals which they placed before the Delimitation Conference last month, proposed that the six seats should be divided equally between the British Indian Association, Oudh and the Agra Province Zamindars' Association, Allahabad. For some reasons unknown to us, we understand, that the Government have now gone back on their unanimous proposal and are recommending to the Committee for allotting four seats to the Taluqdars of Oudh and only two seats to the Zamindars of Agra. This proposal of the Government is most unjust and inequitable, and we fail to understand why the considered and repeated recommendations of the Government have not been adhered to, in view of the very strong and just case of the Agra Province on the facts as stated above.

Our claim for increased representation is only just and equitable and we hope that the Committee will be able to remedy the injustice that was done to us in the past.

## 28. Extracts from the Memorandum submitted by the Taluqdars of Oudh.

There are two points which the Taluqdars desire to press. The first relates to the allocation of the special seats reserved for the landholders of the province.... The first question directly affects the Taluqdars.....

2. With regard to the first matter we would, at the commencement urge that the question of the allocation of seats does not really arise. We think that the Prime Minister, in giving his award, and the Act, incorporating in that award in the fifth schedule, never contemplated any departure from the present practice. The Statutory Commission had recommended an abolition of the landholders special representation and the Indian Governments had recommended an increase in it. The British Government decided that the *status quo* should be maintained. There is no reason to suppose that it was ever intended that there should be such a re-arrangement as to reduce the number of seats at present enjoyed by any class. Support is added to our interpretation by the fact that in the White Paper of 1933, Appendix V, page 96, the landholders of the United Provinces are divided into two distinct classes namely :—

"(i) The Taluqdars constituency....", and

"(ii) The Agra Zamindars constituencies...."

3. It is true that the Franchise Committee did make some reference to a re-arrangement of constituencies for the special representation of the landholders but we would submit, firstly, that that committee did not decide anything and, secondly, that there is nothing to show that the committee intended to deprive us of our existing representation. The words used by it can only have meant that the limits of the constituencies which were to elect the representatives might be reconsidered. Under the present proposals of the Government an important alteration

has been suggested. While formerly the Agra Zamindars sent their representatives through two constituencies spread over the whole of the province, now the sole constituency is to be the Agra Zamindars' Association. This is a considerable re-adjustment and the Agra Association should be satisfied that, within nine years of its statutory existence, it has been recognised as an electoral body and has been given two seats. At any rate neither the Franchise Committee nor Parliament has anywhere indicated the possibility of such a re-arrangement as would affect existing rights. We may point out that, in the whole of India, no class has had the number of seats allotted to it actually reduced and, if such had been the intention with regard to the Taluqdars' special representation it would have been more clearly expressed.

4. The only reasons which have been urged for depriving the Taluqdars of one seat are that they are slightly fewer in numbers than the members of the Agra Zamindars' Association and that Oudh is smaller than the Agra Province. We would point out that these arguments have no force. If we turn to the Montagu-Chelmsford Report or to the Report of the Southborough (Franchise Committee), or to the Statutory Commission's Report or to the Despatch of the Government of India and the recommendations of the local Government or even to the Report of the Lothian (Franchise Committee), we find that special representation has been meant mainly for the "large" or the "great" landholders who "supply an influence which ought not to be omitted from the councils". The following table will show at a glance the comparative numbers of the large landholders in the two Associations (and, for all practical purposes, in the two provinces) :—

Persons paying a land Revenue of			Among the members of the British Indian Association.	Among the members of the Agra Zamindars' Association.
Rs. 2,00,000 and over	..	..	7	1
Rs. 1,00,000 and over	..	..	23	8
Rs. 50,000 and over	..	..	50	25
Rs. 40,000 and over	..	..	68	36
Rs. 30,000 and over	..	..	88	48
Rs. 20,000 and over	..	..	116	81
Rs. 10,000 and over	..	..	170	203

The rest of the members of the two associations pay less than Rs. 10,000 annually as land revenue. Even these figures do not, however, give a true picture because, while in Oudh the law of primogeniture prevails in all the larger estates and also in some of the smaller ones, in Agra there are very few estates in which succession goes to a single heir. The consequence is that the number of large landholders will in Oudh continue to be the same while in Agra it is constantly being reduced as each succession splits up the property. Indeed the Agra Zamindars' Association is already meeting with difficulties in this respect and it has been proposed to reduce the qualification for membership to the payment of an annual land revenue of Rs. 2,500 only.

5. As to the number of districts over which membership of the two Associations is spread, we would point out that a large number of the districts of the Agra Province are not represented at all or are only nominally represented in the Agra Zamindars' Association while every district and every sub-division of Oudh is fully represented in the British Indian Association. Further, a number of Taluqdars also own estates in the neighbouring districts of the Agra Province.

6. We would also like to point out that special representation was recommended by the Montagu-Chelmsford Report for those landholders who could be said to form a distinct class or, in the words of the Southborough Committee's Report (page 13, paragraph 21), "where we have found a genuine landed aristocracy forming a distinct class, of which the Taluqdars of Oudh form perhaps the most



conspicuous example, we have had no hesitation in maintaining the privilege now held by them of special representation in the Legislative Council through electorates of their own class". The above quotation also brings out the fact that the Taluqdars do in fact form a separate and clearly defined class. The Report of the Simon Commission (Vol. I, page 64) says :—"The most powerful of the Taluqdars own hundreds of villages and enjoy very large incomes. Their wealth, social status and the control they exercise over their tenants, give these 'Barons of Oudh' a position of very great influence over their area". The Agra Zamindars themselves, in a Memorandum submitted by them to the Joint Select Committee say :—"The Taluqdars of Oudh hold their estates under *sanads* granted by the Crown which has bestowed upon them full proprietary right, title and possession. They have been enjoying other rights and privileges which they greatly cherish. Their titles under their *sanads* and engagements have been described as in the nature of 'quasi-treaty' rights. The British Indian Association is one of the oldest Associations in India and is the most influential body in Oudh which exercises great influence in the public life of Oudh. It has statutory recognition and its membership is hereditary." Further, in the words of Sir Harcourt Butler, then Lieutenant-Governor of these provinces, to the Southborough Committee. "The Taluqdars are the most distinguished body of landholders in India. Since 1735 they have been a united body centering round Lucknow and are very homogeneous." On the other hand, the Agra Zamindars cannot by any stretch of language be described as a "distinctive class", nor have they ever been recognised as such.

7. We may further draw the attention of the commission to another important feature which distinguishes us from the Agra Zamindars. There is nothing to mark off the larger Zamindars of Agra from their smaller brethren. There is not a single privilege enjoyed by the biggest of them which is not shared by the smallest. Their special representatives come from exactly the same class as those who form a large part of the general electorates, both Muslim and non-Muslim. On the other hand, the Taluqdars enjoy special privileges which are not enjoyed by any other class, not even the biggest of the Agra Zamindars. The list of the members of their Association forms the basis of exemption from licenses for the possession of firearms. Unlike other classes of landholders, the Taluqdars are free from arrest for the payment of land revenue. They cannot be excluded from the settlement of their estates without the sanction of the Governor-General or the local Government according to circumstances. Their estates cannot be sold in execution of decrees, nor can they be partitioned, without the sanction of the local Government. Then Oudh has a special and slightly more favourable Tenancy Law. The Taluqdars, therefore, stand in need of greater special representation to protect their special rights, while the Agra Zamindars have no special rights to protect. We may here point out that one of the reasons why the Government of India recommended the continuance of special representation for the landholders, was stated by it in the following words : "such questions as tenancy and land revenue measures may be expected to occupy more prominently the attention of the provincial legislatures in the near future and in the controversy likely to ensue, the landholders can reasonably claim that they should not be deprived of their special representation at a time when the extension of the franchise may well increase the difficulty of their securing their representation on the general register." This reasoning is more applicable to us than to any other class.

8. There is yet another point which must be borne in mind. The Taluqdars have always shown a greater interest in public affairs than the Agra Zamindars. They have contested, and have succeeded in capturing a much larger percentage of the general seats which it was open to them to contest than the members of the Agra Association. The result has been that a larger number of Taluqdars are at present associated with the legislature and have qualified to take part in public affairs. To deprive their Association of one seat would actually result in curtailing their opportunities of rendering public service. This will be all the more so because Oudh will naturally have fewer general seats than those available to the Agra Zamindars. Indeed, while there is one general seat available for every five Agra Zamindars (taking them at their highest figure) there is only one general seat between the ten Taluqdars. One seat more or less will, therefore, not matter much to the former while it will make a vital difference to the latter.

9. We may also point out, and it will be readily recognised, that there can be no comparison between the British Indian Association and the Agra Zamindars Association, so far as stability, status, financial resources and public services are concerned. The former has been in existence for over 75 years compared with the latter's nine. It spends more annually in miscellaneous grants for educational and charitable purposes than the entire annual income of the latter. In addition, its regular grants to the Canning College and the Colvin College alone come to about Rs. 80,000, while the regular educational grants of the Agra Association comes to about one twentieth of that sum. Besides the exemption of the members of our Association from arms licenses, the Government has recognised our special status by giving us special representation in autonomous and self-governing bodies like the Lucknow University, the Lucknow Municipal Board, etc. As regards our services to the people the whole province abounds with institutions which owe their existence to the Taluqdars and from which all and sundry are benefited. It would occupy too much space to enumerate them all but the Canning College, the Lucknow University, the King George's Medical College, the Prince of Wales' Zoological gardens and the Colvin College are some of the outstanding examples.

10. Finally we would submit on this part of the case that in view of our special privileged position and other circumstances of the case, the last Delimitation Committee (the Southborough Committee) which did not have any representative at all of Oudh recommended that we should get 5 seats as against 1 for Agra and that, in spite of the Government of India's recommendation to the contrary, the British Government eventually allotted us 4 seats as against Agra's 2. There has been no material change in the situation since then and no case has been made out for reducing our present number of seats. If the Agra Zamindars' Association is now a statutory body, this new fact will have received sufficient recognition by its being made a constituency for the first time for the two zamindari seats. We are glad to find that on a maturer reconsideration our local Government has accepted our claim and has recommended that our representation should continue as it is at present.

## 29. Letter No. 1715, dated the 28th August 1935, from the Agra Province Zamindars' Association, Allahabad.

In response to a resolution of the Managing Committee of the Agra Province Zamindars' Association, Allahabad, held on August 24, 1935, I take the liberty of addressing you these few lines with regard to the question of allotting of seats to this Association in the reformed provincial legislative assembly. To one acquainted with the conditions prevailing in these Provinces, it would hardly be necessary for me to recapitulate what has appeared in the form of representations on several occasions before, *qua* the seats to be allotted to this Association, but I think it my duty to remind you, very briefly, of the just claims of this Association. The chief reasons why more seats should be allotted than what has been suggested may be summed up briefly as follows:—

- (1) That this Association comprises 36 districts divided into eight divisions, whereas the members of the British Indian Association, Oudh, come from two divisions of 12 districts only.
- (2) That the revenue paid by the districts of the Agra Province is nearly four times the revenue paid by those of Oudh Province.
- (3) That the number of members of the Agra Province Zamindars' Association, Allahabad, is double that of the British Indian Association, Oudh.
- (4) That the number of members of this Association exceeds all other similar organizations of the landholders in India. There are several landholders' Associations located in various districts and scattered all over the Agra Province, which are affiliated to this Association, and as such even the smaller zamindars are being controlled by this parent organization.

- (5) That the Agra Province Zamindars' Association, Allahabad, is undoubtedly, the most organized body of the zamindars in the Province of Agra, and there is hardly any important member of the zamindar community, who is not on the rolls of this Association.

I have endeavoured to give you, very briefly, an idea of the claims of this Association based on undisputed facts which speak for themselves and need no comment. A demand for four seats to be allotted to this Association is but a mild way of putting forward the just claims, on behalf of the Association.

I hope you will kindly place the above before the Government.

*Enclosure :*

*Agra Province Zamindars' Association, Allahabad.*

*True copy of the Resolution No. 19 (a) passed by the Managing Committee, held on August 24, 1935, at 5-30 p.m. in the Association Hall.*

The following resolution was moved and adopted unanimously :

That the Agra Province Zamindars' Association, Allahabad, places on record its sense of dissatisfaction at the number of three seats proposed to be allotted to them in the reformed provincial assembly, as published in the memorandum for delimitation of constituencies, and regards the same as highly unjust and unfair, in view of its numerical strength and the large area of 36 districts represented by this Association.

Resolved that the claim for the allotment of four seats be pressed before the United Provinces Delimitation Conference and the Delimitation Committee appointed by the Secretary of State for India.

It was further resolved that copies of the resolutions be sent to the Government, and the members of the Delimitation Conference for the redress of the legitimate grievances of the Association.

### **30. Memorial from the Taluqdars of Oudh to His Excellency the Governor of the United Provinces.**

**MAY IT PLEASE YOUR EXCELLENCY,**

We, the representatives of the Taluqdars of Oudh, have the honour to wait upon Your Excellency to lay before you our grievances relating to the proposals of the Government concerning the delimitation of constituencies for the provincial legislative assembly.

It has been our misfortune that, for some time past, Oudh has been unrepresented in the provincial cabinet. The result of this is that our claims and our rights have not been properly put forward before the Government and hence they have not received the just and due recognition. It is for this reason that we have found it necessary to approach Your Excellency direct in the hope that you will be pleased to act as the guardian of our rights and interests in the councils of the Government and to see that justice is done to us.

We have already suffered a serious disappointment in that our just and reasonable claim for a proportionate increase in the number of our representatives has not found favour with the British Government in spite of the support which was accorded to it by all Indian committees appointed to collaborate with the Statutory Commission. Unfortunately the Prime Minister's award now makes it impossible for Your Excellency's Government to maintain the present proportion of our representation in the future assembly, but we respectfully and earnestly urge that the existing number of seats allotted to us should not be reduced. Ours is the only constituency in India in the case of which it is proposed to reduce the number of representatives. The reasons for the reduction of our seats are given in paragraph 28 of the Government Memorandum. The criterion adopted is incorrect as the basic principle on which these seats were originally allotted was not the number but other factors. Even as regards the number, the statement in the Memorandum is misleading and incorrect.

It is always a distasteful and sometimes a painful task to draw comparisons and in the numerous representations which we have so far made, we have scrupulously avoided all disparagement of the rights of the zamindars of the sister province. We always urged their claims side by side with our own and it was inconceivable to us that they would be willing to accept increased representation if it were offered to them at our expense. Now, that such a situation has, however, arisen we feel that we must, in justice to our cause, bring to Your Excellency's notice the fundamental differences which exist between our order and the Zamindars of Agra." This was the main difference which was responsible for the original decision to allocate a large number of seats to us.

We presume that Your Excellency is fully aware that the Taluqdars of Oudh enjoy special privileges and hold a special status. We will not, therefore, take up Your Excellency's time with an enumeration of our rights and privileges. We beg, however, to submit to Your Excellency that one of the chief reasons for the determination of Lord Canning to restore the Taluqdari system in our province was his desire to establish a territorial aristocracy which should not merely be a reproduction of the Zamindari system of other parts of India but should have the unique privilege of being the counterpart of the English Peerage in giving advice and assistance in matters administrative and legislative, both provincial and local. As early as 1861 Lord Canning, addressing the Taluqdars, said :—

"You, who are now the independent magistracy of your<sup>7</sup> province, have already become, although you are the newest of the Queen's Indian subjects, the foremost of them in the practice of self-government."

Shortly afterwards the Kaiserbagh Palace was granted to the Taluqdars for their residence because, if we may again be permitted<sup>8</sup> to quote the words of Lord Canning :—

"It is very desirable that intercourse between the Taluqdars of Oudh and the local Government should be facilitated; you will derive benefit from the wise and friendly counsel of the Chief Commissioner and he will have advantage in friendly communication with you."

The subsequent history of the province provides ample testimony to the close co-operation which has always existed between the Taluqdars and the Government.

Even the Statutory Commission recognised our special status and we beg to be allowed to draw Your Excellency's attention to the following passage in the first volume of its report :—

"Some of the Taluqdars represent the old conquering families with an ancestry dating back to the ninth century. In the chronic anarchy which marked the closing stages of the Kingdom of Oudh, the larger Taluqdars occupied a position which at times amounted to virtual independence . . . The most powerful of the Taluqdars own hundreds of villages and enjoy very large incomes. Their wealth, social status and the control which they exercise over their tenants, gives these "Barons of Oudh" a position of very great influence over their area."

In order to discharge their duties more properly, the Taluqdars lost no time in organising themselves and established their Association more than seventy years ago. Since then the Association has been taking an active and important part in the political and social life of the province. The Agra Zamindars themselves recognise our special status, as is clear from the following passage contained in the memorandum of their Association submitted to the Joint Select Committee :—

"The Taluqdars of Oudh hold their estates under *sanads* granted by the crown which has bestowed on them full right, title and possession. They have been enjoying also other rights and privileges which they greatly cherish. Their titles under the *sanads* and engagements with the British Government have been described as in the nature of 'quasi treaty' rights. The British Indian Association of Oudh is one of the oldest Associations in India and is the most influential body in Oudh which exercises great influence in the public life of Oudh. It has statutory recognition and its membership is hereditary".

The Government itself recognise our special status. The list of members of our Association is the basis for determining exemption from licenses for the possession of firearms and we have been given special representation in autonomous and local self-Government bodies such as the Lucknow University, the Lucknow Municipal Board, etc.

Recently the Zamindars of Agra attempted to follow our example and have established an Association but there still exists a fundamental difference between that Association and ours. The only qualification fixed by the Agra Association for admission to membership is the payment of a certain amount of Government revenue. Thus a representative of an ancient and influential house who pays a little less than the prescribed quota cannot become a member, while a person who has managed to amass an estate paying more than the prescribed revenue, but who possesses no influence or standing, is entitled to membership. The smaller zamindars are rigidly excluded and the Agra Association is designed to be a close corporation of some, but by no means of all the larger zamindars of that province.

The constitution of the British Indian Association of Oudh is entirely different. Every representative of the ancient and long established aristocracy of the country is *ipso facto* member of the Association, if he possesses an estate, no matter how big or how small. Thus our Association has among its members the most influential and the most prominent landlords of every district, of every tahsil and of every pargana of Oudh. Some of the members of our Association pay several lakhs each as Government revenue and own estates of a size the like of which cannot be found in the Agra province, while others pay much less revenue than the quota prescribed for membership to the Agra Association. Further, in order to be in touch with the requirements of all classes of landowning interest our constitution provides for the election of zamindars as additional members. It also provides for the representation of district zamindar Associations. At the present time we have both these classes of members on the rolls of our Association, which is thus fully representative of the entire landowning interest of the province and is in fact the true landholders' constituency.

We beg to submit to Your Excellency that not only does the Government Memorandum err in adopting the number as a criterion for allotment of seats to members of the British Indian Association and to the Agra Province Zamindars' Association but the number given in the Memorandum is quite different from what would appear in the list of membership of the British Indian Association and of the Agra Zamindars' Association. The British Indian Association has a membership of 425, excluding additional members, and not 373 as stated in the Memorandum. While the Agra Association according to its latest list has 583 and not 716 members as mentioned in the Government Memorandum. Even these figures are, to a large extent, deceptive because, while all Taluqdars are *ipso facto* members of our Association and their heirs must, under Statute, continue to be members, the membership of the Agra Association is voluntary and the heir of a member may or may not become a member. Thus after the lifetime of its present members the Agra Association might cease to exist altogether. Another fact which we beg Your Excellency to consider in this connexion is that the field from which members of the Agra Association may be recruited is being constantly circumscribed owing to a continual sub-division of estates and a consequent reduction of the land revenue of each share. Such a contingency is too far remote to happen in Oudh owing to the existence of the law of primogeniture.

Another manner in which Your Excellency may judge of the relative importance of the two Associations is by considering the fact that, while the members of our Association pay over a crore of rupees as land revenue, the members of the Agra Association pay much less than that sum. In considering the number of the members of both the Associations, the weightage in our favour can be easily judged from the fact that while every member of the British Indian Association pays Rs. 1-4 per cent. on the Government revenue the member of the Agra Zamindars' Association pays only annas four per cent. This difference in the rate of contribution provides ample explanation of the weightage in favour of the members of the British Indian Association, apart from any other of the important considerations mentioned above.

The financial position of the two Associations can be judged from the following figures. The annual income of our Association is about Rs. 1,25,000 out of which Rs. 76,750 are given to the Canning College and the Colvin Taluqdars' College and a nett balance of Rs. 48,750 is available for the general purposes of the Association. On the other hand the annual income of the Agra Association comes to about Rs. 19,000 according to their latest figures, out of which one-fourth is payable for educational purposes. The nett income thus available to the Agra Association only comes to about Rs. 14,000 per annum, a sum much less than our annual miscellaneous donations to educational, charitable and public purposes, apart from the permanent grants to the Canning and Colvin Taluqdars' Colleges. A glance at the annual report and budget of the Agra Association will show to Your Excellency their financial position as compared to ours.

We crave Your Excellency's indulgence to permit us to invite your attention to another aspect of the question. In the Agra Province there are altogether 81 general rural seats (excluding the depressed class seats) and 38 Muslim rural seats. In Oudh, on the other hand, there are only 26 general rural seats and 13 Muslim rural seats. Thus while the Agra Zamindars can contest at least 119 seats, the Taluqdars of Oudh can only seek election from 39 constituencies. Consequently, even without any reduction in their special representation, the Taluqdars are at a great disadvantage in the matter of elections as compared with the Zamindars of Agra.

It would not be out of place here to bring to Your Excellency's notice the fact that, even in the matter of general constituencies, the claims of Oudh have not received just recognition. In Oudh one general rural seat is allotted to an average population of 336,376 or 50,385 voters. In Agra one seat is allotted to a population of 314,120 or 47,779 voters. In the matter of Muslim seats Oudh is no better treated. While in Agra each member will represent an average population of 104,949 persons or 18,109 voters, in Oudh he will represent a population of 131,593 or 21,415 voters. If the two provinces had been equally treated Oudh would get two more general seats and two more Muslim seats. There would thus be four more seats open to the Taluqdars.

We also feel it our duty to represent to Your Excellency that only one seat has been allotted to the women of our Province and that too to the Muslim women of the city of Lucknow, while five women's seats have been allotted to the Agra Province.

We sincerely beg to thank Your Excellency for having granted us an opportunity to lay our grievances before you in regard to the proposal for delimitation of constituencies for the provincial legislative assembly. We hope that Your Excellency will be pleased to consider our submissions favourably so that the number of seats which our Association at present has is not reduced. We feel confident that justice will not be denied to us.

THE TALUQDARS OF OUDH.

**31. Memorandum, dated 16th September 1935, by Rai Rajeshwar Bali and Raja Saiyid Mohammad Mehdi Sahib on the claims of the Taluqdars of Oudh.**

I had no intention of submitting a note on the question of the representation of the British Indian Association after the long speech which I delivered at the Conference. But I feel that I must do so now, as some new points have emerged from subsequent discussions. I will deal with them alone and will not repeat in this note the points which I emphasized in my speech. The speech and this note may be taken to supplement and complement each other.

It has been suggested that this special representation is meant for the landlords of the province and not for the Associations, that it is for the sake of convenience that the seats are proposed to be distributed between the latter, and that there is the possibility of the Delimitation Committee not allotting them to the Associations at all, and making them landlords constituencies for the whole province, quite independently of them.

It is quite possible to interpret the Government of India Act in the manner suggested above; but I may point out that it would be unfair to do so. Landlords' special representation is not going to be provided for the first time now; it has got a history behind it. If we turn to the pages of the Montford Report, or the report of the Southborough Commission or even that of the Lord Lothian's Indian Franchise Committee, we shall find that the words used have always been "representation of the great landlords". It is obvious that the intention all along, ever since the Montford Report was written, has been to allot these seats to the "great landlords" as distinguished from the average or small landlords or zamindars. There are not many "great landlords" who have been left out of the two Associations. Therefore it would not be fair not to allot them six seats to the two associations.

We have further to see that at least in the case of Oudh there has been no demand from anybody, that the seats should not be allotted to the British Indian Association. In fact, it would be difficult to find many people who are not members of that Association and yet can be styled as "great landlords".

Now if we accept the proposition that this representation is really meant for the "great landlords" as we must, it will be obvious from the figures given below that the British Indian Association is, irrespective of its undisputed superior claims in other respects, entitled to a larger number of seats because it has in its membership, not only proportionately, but also actually, a larger number of people who come under the definition of "great landlords".

	Agra Zamindars' Association.	British Indian Association.
Number of members paying land revenue of over Rs. 1 lakh .. .. .	8	23
Number of members paying land revenue between Rs. 50,000 and rupees one lakh .. .. .	17	27
Number of members paying land revenue between Rs. 40,000 and Rs. 50,000 .. .. .	11	18
Number of members paying land revenue between Rs. 30,000 and Rs. 40,000 .. .. .	12	20
Number of members paying land revenue between Rs. 20,000 and Rs. 30,000 .. .. .	28	33
Number of members paying land revenue between Rs. 10,000 and Rs. 20,000 .. .. .	54	22
Number of members paying land revenue between Rs. 5,000 and Rs. 10,000 .. .. .	421	244
Number of members paying land revenue less than Rs. 5,000 .. .. .	..	38

The Agra Zamindars' Association is in fact dominated by the class paying land revenue below Rs. 20,000, not many of whom can really be styled "great landlords". Those paying above it do not exceed 76. But in the British Indian Association their number comes to 121. I cannot give the exact number of all the landlords of the two provinces who pay a land revenue of Rs. 20,000 and above; but the figures will not be much difficult from those given above. At any rate, in the Delimitation Conference, it was clear that the "great landlords" generally want their representation through the two associations. That being so, the relative merits of the two associations and incidentally the respective numbers of the "great landlords" in them must be the determining factors.

There are three other points in this connexion that cannot be lost sight of. Firstly, there are a large number of ancient houses represented in the British Indian Association and a lesser number of those who have risen to wealth recently and may, therefore, have other sources of income.

Secondly, the Taluqdars of Oudh who form the British Indian Association exclusively have always been recognized as a "special class". The Agra Zamindars' Association have only been recognized as a "district interest" by the Southborough Commission. It would be unfair to call the Report of Southborough Commission "pre-historic", for that is the latest report in the field so far on the delimitation of constituencies and, therefore, on the distribution of seats between the two associations. The Indian Franchise Committee was not concerned with this question at all.

Thirdly, there is an apprehension in the minds of many bigger landlords that if and when the anti-landlords will come into power, they may try to create a cleavage between them and the smaller landlords by rating Land Revenue like the Income Tax. It would, therefore, be desirable that the Association which is not dominated to the extent of 85 per cent. of the smaller zamindars and has, in fact, a larger number of the bigger ones should have also a larger number of seats assigned to it.

It has also been suggested that the days of privilege are gone; that with the march of democracy to which the new Government of India Act gives expression, we can no longer look for special treatment based on past history or services or pledges. That may be so; though the new Act cannot be said to be even a partial embodiment of the true democratic spirit. But here it is not a question of a clash between vested interests and popular rights. The six seats will continue to be reserved for the landlords—in fact “great landlords”—no matter how they are distributed. Therefore, there is nothing to prevent their allocation between the two associations on the basis of their respective merits and claims, past history, past treatment, and—what is cherished by my association most—past pledges.

### 32. Evidence of a deputation of the Agra Province Zamindars' Association consisting of :

*Nawabzada Liaquat Ali Khan Sahib, M.L.C., Deputy President, Legislative Council, United Provinces, Captain Raja Durga Narain Singh Sahib of Tirwa, Rai Bahadur Rai Indra Narain Sahib of Etah, Rai Maharaj Singh Sahib and Babu Gajadhar Prasad Sahib, M.A., LL.B., M.L.C., Advocate.*

SPOKESMAN OF THE DEPUTATION—*NAWABZADA LIAQAT ALI KHAN SAHIB.*

*Naini Tal, dated the 12th October 1935.*

*The Chairman.*—I understand that the Nawab Sahib of Chhatari cannot come and that Nawabzada Liaquat Ali Khan is leading the deputation.—Yes, Sir.

*Q.*—You are representing the Agra Province Zamindars' Association.—Yes, Sir.

*Q.*—Have you got a copy of your Memorandum of Association and Rules? We have not received it.—(A copy of the Memorandum of Association was handed over to the Committee). There are some changes which have not been incorporated in this copy.

*Q.*—We have read the material supplied by you including a representation by the Hon'ble Nawab Sir Muhammad Yusuf, Minister for Local Self-Government.—I shall not take much time of the Committee, but shall state my case briefly. Under the Government of India Act 6 seats have been allotted to the landholders of the U. P. as special interest. The question for the decision of this Committee is as to how these seats are to be distributed between the various parts of the province. United Provinces consist of the province of Agra and of Oudh. Agra consists of 36 districts and Oudh 12 districts. The area of the Agra Province is three-fourth of the whole province. What the Committee has to decide is as to how many of these 6 seats should be given to the landholders of the Agra province and how many to the landholders or taluqdars of Oudh. Now, Sir, if you take the revenue paid by the two provinces, we in Agra, I mean all the zamindars, pay a land revenue of over 5 crores.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Do you mean that all the zamindars of Agra pay a total land revenue of 5 crores?—What I mean is that all the revenue that is derived from Agra Province zamindars is over 5 crores, whereas the total amount of revenue derived from the taluqdars and zamindars of Oudh is only over a crore.

*Q.*—All the people who contribute to the paying of 5 crores are not members of your Association.—No, Sir. I was just pointing out as to how much revenue is paid by all the landholders of the Agra Province.

*Q.*—I do not think it has any bearing on the issue before us, for the simple reason that the men who are not members of your Association and whose revenue forms part of the 5 crores are people who have got their votes in the general electorate.—Even those who are members of our Association have got vote in the general electorate



Q.—Take the members of your Association and say what is the total revenue they pay: then take the members of the Taluqdars Association and say what is the revenue they pay. That would be a proper basis of comparison.—Yes, Sir.

Q.—On what basis, what are the figures?—The revenue which is paid by the Taluqdars of Oudh, who are members of the British Indian Association—Taluqdars *plus* some of the additional members who are not Taluqdars—is 96,00,000 and something.

Q.—The B. I. Association consists of all Taluqdars and some zamindars of Oudh?—Yes, Sir.

Q.—Every Taluqdar is necessarily a member but not every zamindar. There are however some zamindars who are members. Therefore the total revenue paid by the Taluqdars' Association is less than 1 crore. On the same basis, what is the revenue that is paid by all the members of your Association?—The revenue that is paid by all the members of our Association is in the neighbourhood of Rs. 85,000.

*The Hon'ble Mr. Justice Din Muhammad.*—How many landholders paying more than Rs. 5,000 land revenue are not members of your Association?—Altogether there are 716 in the Agra Province who pay a land revenue of Rs. 5,000 or more. Out of these 605 are on our rolls to-day.

Q.—How much land revenue do you think those remaining landholders pay?—About 25 to 30 lakhs. Of course we have not got the correct figures, but that is what we calculate. The membership of the Association has been increasing every day and we have every hope that within a year or two practically every zamindar, paying a land revenue of Rs. 5,000, or more, will be on our rolls, with the result that the revenue that will be paid by the members of the Association will be over 1 crore. As I said, it is already 85 lakhs. There are about hundred zamindars who are not members of the Association.

*The Chairman.*—Am I right in saying that your Association is about nine years old?—The Association was formed in 1914, but the Act under which the present membership has come into force was passed in 1927.

*The Hon'ble Mr. Justice Din Muhammad.*—Which is that Act?—This is called the United Provinces Zamindars Association Contribution Act, 1927.

Q.—This Act gave you an official recognition?—Yes.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—What is the scope or the purpose of this Act?—It is an Act to make better provision for the realisation of certain contributions for the maintenance and support of the Agra Province Zamindars' Association, Allahabad.

“Whereas certain contributions for the maintenance and support of the Agra Province Zamindars' Association have hitherto been paid voluntarily by the members of the Association, and whereas for the convenience of members and for the advance of the ends of the Association and for the encouragement of learning in these Provinces, it is expedient that the said contributions should be made compulsory and perpetual and that they should be realised along with land revenue; it is hereby enacted as follows:—”

Q.—This contribution is realised by Government as land revenue and paid back to you.—Yes.

Q.—How is it perpetual?—It is perpetual in the sense that once a zamindar becomes a member of the Association, he cannot resign from the membership during his lifetime.

*The Chairman.*—What happens if the estate is partitioned or sold?—If it is partitioned and the shareholders possess the prescribed qualification, that is Rs. 5,000 land revenue, they will continue to be members.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—But if on partition of the estate, a shareholder's portion do not realise a revenue of Rs. 5,000 or above, he automatically ceases to be a member.—Yes, because he cannot be a member in accordance with this Act.

*The Chairman.*—Supposing the estate is sold to an outsider, then he becomes a member of the Association.—No, Sir. The liability is not of the estate but of the

individual person. After the death of a member if his heirs do not intimate that they do not wish to continue as members, within a year, then they also automatically become members for their life.

*The Hon'ble Mr. Justice Din Muhammad.*—I find that the assigns of these members are also liable to pay contribution if they come under the second schedule of the U. P. electoral rules. The Act says that the following persons shall be liable to contribute to the funds of the Association:—

“The heirs, successors and assigns of such members provided that such heirs, successors and assigns are qualified under the Second Schedule of the U. P. electoral rules or such other rules as may, for the time being, be enforced as electors to every one of the Agra landholders constituencies.”—Provided that he did not resign his membership within a year after the death of the member.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—If there is an alienation so far as the transfer is concerned it is voluntary in his case to remain or withdraw from membership?—Within a year. After that he cannot withdraw.

Q.—This Act gives statutory recognition to your Association?—We have statutory recognition as well as continuity and permanency of membership, so that if seats are allotted to the Association there is no chance of any fraud, that at the time of elections members may be made for the purpose of voting and immediately after the election the number will go down. So that once you become a member you have to remain a member for your lifetime.

*The Chairman.*—Taking all these facts into consideration (and we have got more detailed report in manuscript) what is your claim, to have three seats or four seats?—Our claim is that if you take the number of members of both the Associations, then we are really entitled to four seats.

Q.—You have not given us the number of members of the Taluqdars' Association?—313 as against 605 of our Association. Here I would like to mention one fact. In these 605 there is not a single person who does not pay a land revenue of Rs. 5,000 or more, whereas in the case of taluqdars, there are a number of people who pay a very low land revenue.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Can you give us the number?—I have a list of the Taluqdars' Association here for the year 1933, and we have tried to find out the numbers. Nine members are such whose names are given twice, 22 taluqdars pay no land revenue, but whose names appear in this list.

*The Hon'ble Mr. Justice Din Muhammad.*—Why?—They have probably sold their property. Taluqdari property is liable to be sold.

Q.—Can you name one or two, so that we may be able to ascertain these facts from the taluqdars?—There is one no. 59, Khajuri estate. Against it, in the remarks column, it is written “Sold”.

Q.—Will you give us some information later if not just now, about these 22 estates which have been sold and pay no land revenue?—All right Sir. Then there are six members who pay land revenue between Rs. 300 and Rs. 1,000.

Q.—What is their number in this list?—That also I will supply later. Then there are 33 members who pay land revenue between Rs. 1,000 and Rs. 5,000.

On the basis of these if we were to admit members whose qualifications were lower than our number will go up by thousands. There was a proposal in our Association that the qualification for membership may be reduced to Rs. 2,500. The number of such zamindars in Agra is about 2,000.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Is there anything in the Statute which debars people paying less than Rs. 5,000 from becoming members?—That is a part of the Statute. We cannot admit anybody who does not pay a land-revenue of Rs. 5,000 and upwards.

*The Chairman.*—I imagine it is open to us to suggest a definition of landholder. His Majesty's Government may or may not accept it.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Was there no definition of the term ‘landholder’ before?—No.

Q.—It is something like an expression of opinion in the Committee report that a big landholder will be a person who is paying Rs. 5,000 or over?—This definition was adopted for the zamindars of Agra. They gave four seats to the taluqdars, the British Indian Association, and because the Agra province Zamindars' Association was not on the same footing as it is today, therefore for the zamindars of Agra they made two territorial constituencies and the franchise qualification for the members in those constituencies was land revenue of Rs. 5,000 or more.

Q.—By what rule was it determined?—By these electoral rules. As regards this Rs. 5,000 qualification I may refer to the practice which is followed in the case of the landholders seat in the Legislative Assembly under the present Act. In the Legislative Assembly the landholders of these provinces are entitled to only one seat and for that there is a territorial constituency for the whole of the province, and anybody paying a land revenue of Rs. 5,000 or more is a member of that constituency.

*The Hon'ble Mr. Justice Din Muhammad.*—Whether he is a taluqdar or not?—Yes, Sir.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—That is to say for the purpose of the Legislative Assembly both parties are made into one electorate.—Yes, Sir. And in that it has not been laid down that every taluqdar as such is a member, but only landholders paying Rs. 5,000 or more, are on the electoral rolls of that constituency. Now for the future Federal Assembly the Government proposal is that landholders paying a land revenue of Rs. 5,000 will be entitled to vote, irrespective of the fact whether he is a taluqdar or not. Therefore I submit that these seats which have been allotted to the landholders of the United Provinces, have not really been allotted to the taluqdars as such. Because if the intention of the Joint Parliamentary Committee or the Parliament itself had been to allot certain number of seats to the taluqdars of Oudh, as such, they would have mentioned this fact in the Government of India Act, as they have done in the Punjab. In the Punjab they have made it clear that one seat will go to the Tuman-dars.

Q.—For the existing Council the Taluqdars Association constitutes a constituency for the purpose of returning four members?—Yes, Sir.

Q.—But the two members in your part of the province are returned not by the Association but by all the landholders paying Rs. 5,000 or more.—At that time our Association was not recognised in the same manner as it is now recognised.

*The Hon'ble Mr. Justice Din Muhammad.*—He says that although under the existing constitution, taluqdars, as such, have been recognised and were declared to be entitled to four seats the same has not been provided for under the new scheme, and these six seats have been thrown open to the landholders. That is what he is developing.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—He goes a little further. He says that in the existing constitution taluqdars are not recognised as taluqdars. The Taluqdars Association was taken as a unit because there was an association which could be considered as such.—It is true. But there is nothing to debar the zamindars from becoming a member of the British Indian Association. In this list there are names of certain zamindars who are not taluqdars, but who are members of the Association. There are 13 such members; they are described as additional members.

*The Hon'ble Mr. Justice Din Muhammad.*—Can these additional members exercise the right of vote?—I think they can, but I am not sure.

*The Chairman.*—Are they zamindars of Oudh?—Yes Sir. There are some of our members who have property in Agra as well as in Oudh.

Q.—Some of the Taluqdars have also got property in Agra.—There is one more point that I would like to mention. The Lothian Committee had recognised that injustice had been done to the Zamindars of Agra in the past and that at the time of the delimitation of constituencies this question should be examined. Here I will refer to page 131, para. 333, of the majority report of this Committee,

where they say, " But possibly redistribution or rearrangement of the landholders constituency should be further examined at the stage when the constituencies generally are being delimited."

Q.—Your contention is that this was an unequal distribution and you suggest that it should be remedied?—Yes, Sir. I will now refer to the minority report of the same Commission. On page 225, para. 29, they have mentioned these two associations particularly by name. This minority report is signed by Mr. Tample, Mr. Chintamani and Mr. P. R. Bakhle.

Q.—What you mean is that this minority supports your argument?—Not only that, but the minority has mentioned it by name, whereas the majority has not mentioned it by name.

Q.—That is your inference.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—All that you say is that the minority report mentioned it not as a dissenting matter, but as explanatory to what the majority had said?—Exactly, that is my contention for reopening this question.

*The Chairman.*—You mentioned the Tumandars constituency in the Punjab. Under the present constitution how many landholders constituencies are there in the Punjab?—I think there are two.

*The Hon'ble Mr. Justice Din Muhammad.*—Four and one of them is reserved for the Tumandars.

*The Chairman.*—Then you see, the Lothian Committee recommended the maintenance of the present strength. They said, " We do not want to increase the landholders constituencies ", but in the communal award the number was actually raised to five, and then it was specifically said that the Tumandars (a very small body) was to continue to have one seat. I do not think we can take an absolute analogy from that. The two cases are not quite similar.—That is so. But I would like to mention here that a delegation of the taluqdars, as such, appeared before the joint Parliamentary Committee and they represented their case in the same way as the delegation of the zamindars of Agra had done. If the Joint Parliamentary Committee or the Parliament had wanted to give a certain number of seats to the taluqdars as such, they would have given it to them.

Q.—Apparently the decision was left to this Committee?—Yes, Sir. It has been left to this Committee to decide as to how to distribute seats, and the question is whether the taluqdars should be allowed to continue to enjoy four seats, and therefore the *status quo* should be maintained.

Q.—It is an open question.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Your argument is that the Lothian Committee by the reservation they have made in their report have left it open to us to re-examine the question and not to take that the *status quo* should be maintained?—Exactly. Here I would just like to mention another fact. This Government has from time to time recommended to the Government of India that there should be 12 seats for the landholders of this province and the Oudh. Of these 12 seats they suggested 7 should be for the Agra Province zamindars and only five for the landholders of Oudh, including the taluqdars and other zamindars.

Q.—Where is that recommendation?—You may find it in the note of dissent given by Nawab Yusuf.

*The Chairman.*—At page 80 of the official recommendation of the U. P. Government. It is called the views of the U. P. Government on the recommendation of the Delimitation Advisory Conference. It is letter No. 4994-C., dated August 23, 1930. The recommendation made in 1930 was that the number of representatives be increased to 12—7 by the Agra landholders, 4 by the Oudh taluqdars and one by the Oudh landholders other than taluqdars?—Four to the Association and three to other zamindars who are not members of the Association.

Q.—It does not say so here. It says the Ministers will go further and recommend giving 16 seats to the landholders, ten to be filled by the Agra Zamindars Association, five by the British Indian Association and one by the Oudh landholders

other than taluqdars?—Yes, Sir. In 1930 the Government of the United Provinces had a representative of Oudh in it. It is contended by the taluqdars of Oudh that till very recently there was no representative of Oudh taluqdars in the Government. Therefore it cannot be said that the case of the taluqdars of Oudh went by default. Here again right up to September last the recommendation of the Government was that these six seats should be distributed equally between the British Indian Association and the Agra Zamindars' Association. And now we understand, although in the latest note they have supplied to us as members of the Delimitation Conference they do not mention it, they have decided that four seats should be given to Oudh and two to Agra. We do not know what are those facts which have led the Government to change their considered and repeated view in this matter.

Q.—Their recommendation is on page 13 of their views which they have supplied to us.—We have not been supplied with that. We have been supplied with a statement showing the original proposals of the U. P. Government, the recommendations of the U. P. Delimitation Advisory Conference and the final decision of the U. P. Government on the delimitation of constituencies. There they have given no reason. They have not even said that they are going to make this recommendation. They have only said at page 20. Government proposed the allotment of three seats each to the Taluqdars of Oudh constituency and Agra province zamindars of Allahabad constituency. Recommendation of the Conference. The representatives of Oudh claim four seats for Oudh and two for Agra. But some of the Agra men wish this proportion to be reversed in their favour. The third view supported the Government proposals. Decision of the Government on the recommendation of the Conference. Government have reached an accepted conclusion and are putting them fully before the Delimitation Committee. We do not know officially or publicly what those decisions are. We have only found out that they are going to recommend that four seats should be given to the taluqdars and only two to the zamindars of Agra. They have not stated the fact clearly to us. Now we are not in a position to meet those arguments that have been put forward for the change of their opinion in this respect. Because repeatedly the recommendation that has gone from this Government to the Government of India has always been for giving greater representation to the zamindars of Agra than to Oudh.

Q.—One or two points I would like to ask. You refer to this minute of dissent by Hon'ble Nawab Sir Muhammad Yusuf. On page 83 (you have not referred to it but he does) he refers to the communal effect. He says, another point of view obviously present in the mind of the Lothian Committee, which was responsible for the rejection of the claims of the landholders, was that the allotment of seats between landholders might disturb the balance of party in the legislature, and it is therefore clear that if we want that each association should return two Hindus and one Muslim it could easily be done by allotting three seats each to the two associations.

My view is that in these special constituencies, labour, landholders, commerce, university, etc., communal considerations should not enter at all, and it would complicate the case very much if we take any notice of it?—So far our Association is free from communal bias and the majority community, I must say, has always paid due regard to the representations and the feelings of the minority. What I think the Nawab might have thought was that as in other Committees where there are three members, the Association generally returns one member who belongs to the minority community. So if these seats were divided equally between the British Indian Association and the Agra Zamindars Association then it might—having regard to the feelings of the minority—establish a convention by which one of those members will belong to the minority community. But this question is left entirely to the Associations. This Committee cannot lay down that one of them should be a member belonging to a certain community.

We shall deprecate very much if in these special seats, university, labour, commerce, landholders, communal considerations are brought in. The idea of allotting a special seat is to get an expert. I may mention that when I appeared before the Joint Parliamentary Committee this question was raised by the members

of that Committee. They asked me what was the feeling on the question. I told them the fact that I represented an Association which is predominantly a Hindu show, but there is no communal feeling in our Association. I must say that all along both the communities have always paid due regard to the feelings of the other and we have not had any misunderstanding.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—If it is a matter of convention it will be established only through the good sense of the members of the Association?—Yes, Sir.

*The Chairman.*—Another point is, you said that the point before us is whether so many seats should be allowed to the Oudh taluqdars and so many to the Agra zamindars. I must put before you a third alternative, *viz.*, that we might consider whether it would not be better for your Legislative Assembly to have these various seats made provincial, by which all zamindars paying a land revenue of Rs. 5,000 could have a vote. It is possible that we might make a recommendation like that. We have not made up our mind. I take it you would very much prefer that the election of landholders should be confined to these two big associations?—I do, and my answer is quite simple. When any association represent the interests of those individuals to whom these seats are being given then that association has every right to represent that view. It will consolidate the position of the zamindars, as a class, if these seats are given to the association; it will bring them all together, they will be able to fight the battle in a better way in future than if they were spread all over the province and the constituencies were territorial constituencies.

*Q.*—Your argument is that the representative goes there to represent the views of the association, *i.e.*, a corporation. He does not go in his individual capacity?—Yes, Sir.

*Q.*—So you will prefer this?—Yes, Sir.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—If you were taking a communal view of the case, if you wanted to serve the interests of the Agra Zamindars' Association as opposed to the interests of the Taluqdars' Association, you might put forward the rival view. Do not recognise either association, but give the franchise to the zamindars who pay a land revenue of Rs. 5,000 and over?—I have the interests of both the zamindars belonging to Agra and Oudh at heart. I want that justice should be done to all the interests.

*The Hon'ble Mr. Justice Din Muhammad.*—In a nut-shell your view is that the taluqdars are not entitled to any weightage?—I say they have got more weightage than they could have got under any circumstances, on the question of numbers, on the question of area, and so many other things. They are really not entitled to more than two seats. We recognise their historical importance, we recognise that the Taluqdars' Association is a much older body. Taking all these things into consideration we feel that even if this Committee recommended three—three for both the associations, we would not feel any grievance.

*Q.*—So you do not insist on the reversal of the proportion?—I shall be satisfied if the number is equally divided. But we certainly feel that we are not inferior to them in any way.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—You said that if certain things are to be taken into account, strictly you will be entitled to four and they will be entitled to two at the most. But you will not press this?—No, Sir.

*Q.*—What is the basis of that contention?—The number of members, the area covered by the two provinces, and if we were to lower our franchise as they have done, then the revenue paid by us.

*The Hon'ble Mr. Justice Din Muhammad.*—Even as the figures stand?—We pay 85 lakhs today.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Your argument is that you have in no way over-stated your case. If you take all those in your fold, who are

paying less than Rs. 5,000, the revenue paid to the Government will be over a crore?—If we take all those people who pay less than Rs. 5,000, the revenue will be about five crores.

Q.—So taking these various points for the purpose of computation, you will be entitled to four and they will be entitled to two?—Yes, Sir.

### 33. Evidence of a deputation from the British Indian Association, Oudh, consisting of—

*Rai Rajeshwar Bali Saheb, O.B.E. (Leader), Raja Muhammad Amir Ahmad, Khan Sahib, Khan Bahadur, of Mahmudabad, Raja Saiyid Muhammad Mehdi Sahib, M.L.C., of Pirpur, Raja Bisheshwar Dayal Seth, M.L.C., of Moizuddinpur, Sheikh Muhammad Habib-Ullah Saheb, O.B.E., M.L.C., of Saidanpur, Rao Krishnapal Singh Sahib, of Birapur, Sheikh Mubashir Hussain Qidwai Sahib, Honorary Legal Adviser, British Indian Association, Oudh, and Khan Bahadur Munshi Siddiq Ahmad Sahib, Assistant Secretary, British Indian Association, Oudh.*

*Naini Tal, dated the 12th October 1935.*

*The Chairman.*—We had of course certain representations from the Taluqdars of Oudh and we have read them all. I put to you the question which I put to the Agra Zamindars' Association. It is of course open to our Committee, instead of suggesting that the representation of landlords should be confined to these two large Associations, to suggest that as in the case of the Federal Assembly it should be spread over the whole Province and that every landlord who pays a certain amount of land revenue should be given the vote. I take it that you will deprecate any such proposal. You are anxious that representation should be continued as at present through the two Associations. But the one point which you wish to press is that the proportion of seats should be maintained as at present.—(*Rai Rajeshwar Bali*) Exactly. In fact the White Paper too contemplated that so far as the British Indian Association was concerned that constituency should continue as at present, and that was stated at page 96 of Appendix V.

It is stated there:—

“*Taluqdars constituency.*—Ordinary membership of British Indian Association of Oudh;

*Agra Landholders constituencies.*—Ownership of land in the Constituency assessed to land revenue of not less than Rs. 5,000”.

that is the franchise. Then there is a note:—

“See paragraph 7 of Introductory Note to Appendices IV and V. The qualifications shown are the existing qualifications, but, pending closer investigation at the stage of the general delimitation of constituencies, they should be regarded as provisional”.—At the Delimitation Conference it was almost unanimously agreed that the representation of the zamindars should be through the two Associations.

That perhaps accounts for the change in the Government's proposal as between September and October?—Yes. (*Raja Bisheshwar Dayal Seth*). And a further representation which we made to the local Government. (*Raja Saiyid Muhammad Mehdi*) We thought we had suffered an injustice in this matter because we had no representative of the Taluqdars in the Government since a long time?

We were told just now that in 1930 there was a Taluqdar in the Government. (*Raja Saiyid Muhammad Mehdi*.) No, Sir. The last Taluqdar Minister was our spokesman today and he resigned in 1928. So there was no taluqdar in the Government then, and the gentleman to whom they referred was the Maharajkumar of Kapurthala. He had no property of his own in Oudh. His father has some property there.

Q.—The Maharajah of Kapurthala is not a taluqdar?—The Maharajkumar was not a taluqdar. He had no property of his own. (*Rai Rajeshwar Bali*). He might have been elected from the general constituency; but he could not be elected from the Taluqdars constituency.

*The Hon'ble Mr. Justice Din Muhammad.*—You mean that the Maharajkumar was not holding land in his own right?—Yes.

*Q.*—He was not a member of the British Indian Association?—No, Sir.

*Q.*—And therefore he could not represent the Taluqdars?—No, Sir. (*Raja Saiyid Muhammad Mehdi*) May I point out one thing more. As I was one of those people who went to England together with the chief spokesman of the Zamindars' Association to give evidence before the Joint Parliamentary Committee, I would like to remove one misunderstanding. When we were given to understand by the Zamindars' Association of the Agra province that we should go together to press for more seats, we would not have joined them if we had known that we were going to lose our seats. They said that our general interests were the same and we naturally felt that if we went together and asked for safeguards and such other things which were common to both, our demand would have greater effect. When it was felt that we were going to settle everything amicably, we found that the Government have formulated proposals reducing the number of our seats without taking any Taluqdar into confidence, and we felt a great sense of injustice.

*The Chairman* —Are you referring to the letter of 1930?—Yes.

*Q.*—That, you say, was sent when you had no representative in the Government, and therefore so far as that is concerned it is entirely *ex-parte*?—Yes.

*Q.*—What about 1935?—It is the same thing, because these proposals were formulated without taking the Taluqdars into confidence.

*Q.*—When Government put forward their original proposals in which they contemplated equal division of seats they were examined by the Delimitation Conference, and you say that the majority of the Delimitation Conference supported them?—(*Rai Rajeshwar Bali*) No. That was about the proposal that representation should be through the Associations. No votes were taken because only five members out of 27 or 28 members of the Conference belonged to Oudh.

*Q.*—Government on your representation I suppose and on the arguments you advanced, as shown in the proceedings of the Delimitation Conference, went back on their original proposal and said that you should get four seats?—Yes. (*Raja Bisheshwar Dayal Seth*) Also we took a deputation to the Governor, and after that perhaps Government changed their view.

*Q.*—When that letter went in 1930 you must have heard of it.—(*Rai Rajeshwar Bali*)—No, it was confidential.

*Q.*—You remained in ignorance of that proposal put forward by the Government at the time up to the present?—Till the proposal was formally published.

*Q.*—I find it rather difficult to believe that a letter like that containing very wide and sweeping proposals could have been sent to the Government of India without your very important Association becoming aware of it.—(*Shaiikh Muhammad Habibullah.*) It is absolutely true, Sir. It is a strange phenomenon, but that phenomenon has happened. Unfortunately none of our representatives was in the Government when these proposals were sent.

*Q.*—When were they published?—Recently. Even Members of Government had to admit that it is a fact that the proposals were not known.

*Q.*—We can leave that point. Now you can give the arguments which you wish to advance for the maintenance of the *status quo*.

*The Hon'ble Mr. Justice Din Muhammad.*—Just indicate briefly how you claim four seats instead of two.—(*Rai Rajeshwar Bali*) I may point out in the first place that the whole idea of giving this special representation was that these people—the 'great landlords' of the province, as they are called—should be represented. In fact, these are the words in which they were described in the reports of the various Committees.

*The Chairman.*—You wish to lay emphasis on the word 'great'?—Yes, Sir. That emphasis was consistently laid in the report of the Southborough Com-



mission, the report of the Indian Statutory Commission and the report of the Lothian Committee. They always used the words 'great' and 'big'.

*The Hon'ble Mr. Justice Din Muhammad.*—Don't you think that they confine its definition to those landholders who pay a land revenue of Rs. 5,000 and more?—No, Sir. I would just quote some paragraphs with your permission. It may be that a landlord who pays Rs. 5,000 as land revenue may be counted as a 'great landlord' provided he belongs to an ancient and historical house, but a man who has risen to wealth recently, in a province like ours where there is a large number of big landlords will not be classed as anything but a middle class man.

*Q.*—You mainly insist on the fact that by great 'landlords' they mean ancient families?—Ancient families who pay a large amount of land revenue and who wield influence.

*Q.*—Is it a fact that among the taluqdars about 22 per cent. are such as have sold their estates, or who pay no land revenue at all?—There are none who do not pay land revenue, but there are some who have sold their estates. I think there is a suspicion in the minds of many people because of one fact. In Oudh there are 260 estates comprising 475 members.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Will you give me the composition of your Association—how many members there are, how many pay land revenue, and how many do not pay, because I want to go somewhat fully into that?—I do not think there are any who do not pay land revenue. Their names are struck off once they cease to pay land revenue.

*Q.*—Are there any members of the Association who pay less than Rs. 5,000 as land revenue?—Yes.

*Q.*—How many?—There are 38 estates whose members pay land revenue of less than Rs. 5,000.

*Q.*—You say that an ancient zamindar who does not pay Rs. 5,000 as land revenue is a 'great landlord' as against a recent zamindar who pays Rs. 50,000 as land revenue. Is that a proposition which you want us to accept?—I do not say Rs. 50,000; I say a man who pays land revenue of less than Rs. 20,000.

*Q.*—How do you equate these two?—People who pay a land revenue of over Rs. 20,000 may be considered to be 'great landlords' but there may be others who belong to ancient houses and still wield some influence.

*Q.*—I want to put it very clearly. Do you mean to say that an Oudh taluqdar who pays land revenue of Rs. 3,000 must be considered to be a 'great landlord' but an Agra zamindar unless he pays Rs. 20,000 as land revenue must not be regarded as a 'great landlord'?—He may be, provided he belongs to an ancient family.

*Q.*—I assume, therefore, that any taluqdar paying land revenue of Rs. 3,000 or 2,000 must necessarily be regarded as a 'great landlord' but an Agra zamindar unless he pays a land revenue of Rs. 20,000 cannot be regarded as a 'great landlord'?—There are many people in Agra who belong to ancient houses but pay less revenue.

*The Chairman.*—They refer to the point of view of the Southborough Committee—

"Where we have found a genuine landed aristocracy forming a distinct class, of which the taluqdars of Oudh form perhaps the most conspicuous example, we have had no hesitation in maintaining the privilege now held by them of special representation in the Legislative Council through electorates of their own class".

They refer to the considerations put forward in the report regarding the position of the landed aristocracy and of smaller landed gentry.—I am referring to the Agra zamindars. They said that the Oudh taluqdars form a distinct class and have a distinct status, and they bring out the difference between the taluqdars and the others. And in support of this, Sir, I may be allowed to read one quotation. This is from a letter which Sir Charles Wingfield, the Chief Commissioner of Oudh, wrote in 1864 as regards the origin and history of Oudh taluqdars. He said—

"The great majority of the Hindu taluqdars of Oudh are the Heads of Houses whose ancestors acquired their possessions by colonisation and conquest

between the years 1200 and 1300 A.D. The first settlers were fugitives from the Muhammadan invasion of Upper India and from them descend all the great families of Eastern Oudh. Each clan was under a head in whom all authority and proprietorship was vested but the clan became subdivided into houses the heads of which are the present taluqdars. This description, the Chief Commissioner believes, is generally applicable to nearly all the Rajput Taluqdars who form by far the larger proportion of the class." . . . and so on.

*Q.*—We know the history of the Taluqdars Association.—Yes, Sir. One point I wish to make. At that time, the Chief Commissioner found that he could not remember more than three men who belonged to the capitalist or banking class. All the rest belonged to these families which had come as colonisers or as conquerors.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Suppose you press an argument like this. Take the House of Lords for instance. There was nothing to prevent Lord Sinha from sitting there. Would a man in a different position, if he was going to be raised to the peerage, from say, Lord Derby? From the point of view of the House of Lords, is he going to be discriminated against if Government were to make him a peer?—Not at all.

*Q.*—Then what is the argument? We are only trying to understand the full implications of the argument. Suppose your argument is put forward in a province like Madras. There are zamindars of ancient origin who can claim to have exercised at some time semi-sovereign powers. If an argument like this is accepted now, we must accept an argument like that in a province where a section of the zamindars who claim such right may claim special representation. The result will be that in each case we must understand by 'landholders'—which is the general term in the Government of India Act—as landlords occupying a certain special position. Would it not be stretching the point in favour of those landlords who claim special treatment? I am only trying to understand the full implications of your argument because we shall be met with this in every province that we shall visit, at any rate in Madras, where there are people of the zamindar class who would like to be able to trace their origin to people who exercised sovereign rights. I have been dealing with these zamindars all my life? The whole position is this: as I wanted to say in the beginning, this special representation is to be given to a class of nobility as the Simon Commission said.

*Q.*—What is 'nobility'? It need not necessarily be of ancient tradition. It may come on something acquired today?—Yes, but then they should be able to exercise some influence. That is the important part of it. And if you take that view, we have to see that the taluqdars of Oudh have been able to exercise greater influence over public affairs in the province than their brethren of Agra.

*Q.*—When you say that the taluqdars of Oudh have got a tradition and prestige, I concede; but when you say that they exercised greater influence on public affairs, I must take leave to differ from you.—That is amply borne out by the fact that all the members elected by the rural constituencies at present belong to the class of taluqdars.

*Q.*—So much the better. You have got greater chance in the Legislature.—That is a different point. I was going to say that that shows that the taluqdars of Oudh as a class have been exercising that influence which was expected of them when special representation was suggested by the Montford Report.

*The Hon'ble Mr. Justice Din Muhammad.*—Don't you think that that argument may go against you? If taluqdars of Oudh can capture all the seats in the general constituencies allotted to Oudh it comes to this that they are not entitled to any special privilege as taluqdars because they do not stand to lose?—No, Sir. In order to safeguard the interests of ancient families we want special representation.

Q.—But if the taluqdars not as taluqdars but as merely landed gentry of the place can capture almost all the seats which are allotted to Oudh then why should they be entitled to special representation?—I think that would be an argument like the Simon Commission's.

Q.—I do not refer either to the Simon Commission or to the Lothian Committee, I want this only for my information. Would it not go against you?—No, Sir, it will not go against me.

Q.—How?—It comes to this: because you have been able to spend your money properly, your allowance and salary should be reduced. It shows that it is all the more reason why we should get adequate special representation, because there are a large number of people among taluqdars who have come to the political forefront and they have utilized their opportunity for public service to a greater extent by getting themselves elected from rural constituencies.

*The Chairman.*—You might put it this way that the Oudh taluqdars are of much earlier origin than any other class of zamindars throughout the length and breadth of India, and they realized not only the conditions of their position and their responsibilities but they have consistently through these many years discharged their responsibilities thereby gaining public confidence?—Public confidence and experience of public affairs.

Q.—We might leave it at that.

*The Hon'ble Mr. Justice Din Muhammad.*—The fact that you have utilized those opportunities much earlier than others will not entitle you to extra representation. Unfortunately the Government of India Act is silent on this particular point.—(*Shaikh Muhammad Habibullah*) Because it is already mentioned in the earlier part that Taluqdars is a special constituency.

Q.—Which earlier part? The Schedules do not refer to the Taluqdars as such. Only landlords are referred to in this Act, and Tumandars are mentioned; and in the tabular statement attached to the schedules it is merely stated 'landlord constituencies'.—(*Rai Rajeshwar Bali*) They said that in the former Act. But the Southborough Committee recognised us as a class.

Q.—Legally speaking that argument may go against you. This means that the door is open to all landlords who claim to be landlords and for whom qualifications are to be fixed by us. Your case should be mainly represented like this, that in prescribing qualifications under paragraph 10 of Schedule V we should without introducing any invidious distinction reserve so many seats for the Taluqdars of Oudh. That may be a reasonable thing to put forward, but if you want us to introduce all these invidious distinctions for which there may not be justification we may be landed in difficulties.—(*Raja Saïyid Muhammad Mehdi*) We base our claim on the fact that there is a greater number of larger land-owners in Oudh than in Agra province where they are separated by distance and where they have not the same cohesion as in Oudh.

*The Hon'ble Mr. Justice Venkatarubba Rao.*—I do not think you can say that there is not the same cohesion now since their Association has been statutorily recognised. There are differences and we cannot very well go into them. All that we can say is that you put your case on the primary ground of ancient lineage and tradition and they base their case on larger numbers.—Larger number of big landlords to whom it is contemplated to provide special seats.

Q.—Let us look at their argument. They say that in the British Indian Association people who are paying less than Rs. 5,000 as land revenue can become members, whereas in our Association people paying less than Rs. 5,000 as land revenue cannot become members. If we only take as members persons paying less than Rs. 5,000, the revenue we pay would be five crores as against one crore of theirs. Therefore, in point of revenue and in point of numbers they say they are superior to you.—As they did not find a homogeneous body in the Agra Province they had to put the statutory limit of Rs. 5,000, and I think that was an arbitrary figure.

*Q.*—As certain classes on the ground of their being in a minority were accorded special privileges you want some such privilege to be accorded to your community on various grounds?—We have a greater number of big landlords therefore we should have four seats, and as they have a smaller number of big landlords they should have two seats. As regards smaller classes we have no distinct class. If they admit men paying Rs. 5 as land revenue I do not think they would be fulfilling the conditions laid down by the Government of India Act. I have got some property in Agra and there are my co-sharers who pay Rs. 5 as land revenue. How can a man paying Rs. 5 as land revenue and whose income is not more than Rs. 10 or 15 as a clerk be regarded as a zamindar.

*The Hon'ble Mr. Justice Din Muhammad.*—They want to include only those paying Rs. 5,000 or more as land revenue. How can you object to that?—I beg to submit, Sir, that Rs. 5,000 is an arbitrary figure.

*Q.*—In other words, you contend that while fixing the standard we must raise it to say Rs. 20,000 or more in order to include only those who can be otherwise described as big landlords?—(*Rai Rajeshwar Bali*) They have reduced the amount to Rs. 5,000 in order to produce a decent electorate.

*Q.*—Your contention is that taluqdars should be enfranchised as such and that landlords who are not taluqdars should be enfranchised only if they pay Rs. 20,000 or more as land revenue?—We do not say that they should not be enfranchised.

*Q.*—If they are enfranchised they will be entitled to vote. You say on the one hand that they should be enfranchised and on the other hand in allocating seats you choose to ignore them and consider only those who pay Rs. 20,000 as land revenue. You should put forward a position which is consistent.—(*Sheikh Muhammad Habibullah*) Our position is that we should not treat anybody as a great landlord who does not pay Rs. 20,000 as land revenue, or who does not belong to an ancient and historical house.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—His case is that a great landlord is one who can claim ancient lineage or a person who pays Rs. 20,000 or more land revenue?—(*Rai Rajeshwar Bali*) If we look at the figures of the members of the Agra Province Zamindars' Association we will find that about 85 per cent. of them belong to the class which pays a land revenue of between Rs. 5,000 and Rs. 20,000. We know that the law of primogeniture is not prevalent in Agra, and in the elections after next you will find that many of those people who are paying below Rs. 10,000 as land revenue will automatically cease to be members.

*Q.*—You don't see the other side of it. The argument is not worth pursuing; but however as you have put it we shall deal with it. You say that if today one is a member by reason of his paying Rs. 5,000 as land revenue and if tomorrow the estate is partitioned between two brothers each paying Rs. 2,500, then the membership would automatically cease.—Not the membership of the association. He may continue to be a member of the association, but he will not be on the electoral roll.

*Q.*—We may ignore the words and come to the spirit of it. Now suppose today there is a man paying one lakh land revenue. If that estate is partitioned among ten people, there will be ten people qualified to vote. Therefore that is an argument which is a double-edged argument.—I say that because 85 per cent. of the zamindars belong to the smaller category and 15 per cent. to the category to which you refer.

*The Chairman.*—Your argument is that you have a very much greater percentage of bigger landlords?—Yes. Another reason, Sir, why we press about four seats is that we have been enjoying this privilege for a long time, and we do not see any new arguments advanced which should really justify one seat being taken away from us. If that is done, we shall be the only body throughout India which is being deprived of its existing privilege.

*The Hon'ble Mr. Justice Din Muhammad.*—Do you mean to say that the privilege enjoyed by you should not be interfered with and that if the seats have not been increased on the recommendation of the United Provinces Government, your body should not suffer on that account?—Yes, Sir, that is what we want.

*Q.*—Why do you say that you should retain the four seats which you have got at present?—For one thing, because we have enjoyed this privilege and the *status quo* should be maintained. For another, because we have been rendering public service to such an extent that we have won the confidence of the public. As an instance, I might tell you that the Lucknow University is a creation of the taluqdars of Oudh. There are several other works of public utility supported by us.

*Q.*—But the terms “public service” is a term of relative importance. Supposing the Congress men say that they have been doing public service and that therefore all the seats in the United Provinces should be allotted to them, would you agree to this?—No.

*Q.*—Then don't put forward an argument which may be open to objection.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—I think you can put forward only two arguments: your ancient lineage and the *status quo*.

*The Hon'ble Mr. Justice Din Muhammad.*—The Government of India Act says, that the seats are for landholders. Do you want to interpret “landholders” for the purpose of this province as meaning the taluqdars of Oudh?—Yes.

*The Chairman.*—We might put it this way. Here is a comparatively small and special constituency designed to provide the Legislative Assembly with real experts in matters of legislation relating to landholders and tenants, and that this body is an experienced body, has rendered special services to the public and Government in the past; and that therefore as a body you are more likely to provide those experts than the Agra Zamindars' Association which is comparatively of recent birth and has only a few years work behind it, and perhaps is not so forceful in its tradition and public services as the Taluqdars of Oudh. I take it that is your proposition?—Yes, Sir; exactly that.

*The Chairman.*—Then we will leave it at that, and will examine your claims.

## VIII. COMMERCE.

### Madras.

#### 34. Memorandum submitted by the Nattukkottai Nagarathars' Association for representation on the Provincial Legislative Assembly.

The Committee of the Nattukkottai Nagarathars' Association most respectfully begs to submit this memorandum in response to paragraph 20, G. O. No. 355, Law (Legislative—Elections), dated 19th August 1935.

At the outset it may be stated that the memorandum deals only with the question raised in paragraph 15 of the Government Order. The Association regrets to note that the Government has suggested the combination of the Southern India Chamber, the Nattukkottai Nagarathars' Association and the Andhra Chamber of very recent origin into a single constituency to represent Indian commerce. The Association thinks that any such combination will not be in the best interest of commercial representation and will not effectively safeguard the interests represented by the Association.

The Nattukkottai Nagarathars' Association represents the Nattukkottai Nagarathar community, popularly known as Chettiyars. The community is one of the

important commercial communities of the province carrying on principally banking business. By virtue of their position as bankers the community has performed services absolutely vital to the province, and the Association can, with just pride, claim that the progress of indigenous banking is in no small measure due to the activities of the Chettiyars. The Association feels that much space need not be occupied by elaborating the point, for the claims of the Nattukkottai Nagarathars, based on service and status, for commercial representation have been recognized by the many commissions and committees that were entrusted with the great task of preparing the ground for the future Government of India.

After careful consideration, these commissions and committees have come to the conclusion that the Nattukkottai Nagarathars' Association is entitled to a separate seat on the legislature.

This is a matter of fundamental importance and the submission of the Association is that the Association is here on absolutely firm ground, for—

1. The reasons which induced the Government to allocate a seat for the Nattukkottai Nagarathars' Association in 1919 hold good even now.

2. To develop the trade, commerce and industries of the province being one of the principal functions which the Government is expected to perform, there should be on the Legislative Council persons who, by their knowledge and experience will be in a position to speak with authority on particular important branches of a technical nature connected with commerce and industry. It cannot be denied that 'Indigenous banking' looms large in such a sphere and that the Chettiyars have been bankers for centuries. The Association may be permitted to refer also to the testimony of Sir Harcourt Butler, a former Governor of Burma, who, addressing a meeting of the Chettiyars' Association on the 7th December 1927, said as follows :—

"You, Gentlemen, have gradually and carefully built up a remarkable system of banking."

Whatever be the activities of other indigenous bankers, the Association feels confident that the Nattukkottai Nagarathars will, in the years to come as in the past, be recognised, as the real backbone of the indigenous banking system throughout the province. This statement will be readily accepted if a reference is made to two eminent authorities : Professor L. C. Jain, in his book on 'Indigenous Banking', says that :

"Of all the indigenous bankers the Nattukkottai Chettis are the most perfectly organised."

Again, Thurston observes—

"That the Nattukkottai Chettis in organization, co-operation and business methods are as remarkable as the European merchants."

The Association in this connexion may be allowed to draw pointed attention to what has been said by the Indian Franchise Committee regarding the necessity for providing on the legislature representation in such cases. The closing sentences in paragraph 320 of Volume I of the Indian Franchise Committee Report forcibly lay down as follows :—

"The danger that in the absence of special representation for commerce and industry, the new legislatures may find themselves deprived of expert advice when it is most needed is, in our view, a real one. The civil service which advises the Ministers has indeed an expert and intimate knowledge of the ordinary administration of the country. But its members have, as a general rule, no first-hand experience of those great commercial, industrial and, *banking undertakings* which play a rapidly increasing part in the life of every community in the modern world ..... it is therefore, *in our considered view desirable* in order that the legislature may be better equipped to deal with economic subjects, that certain number of seats should be filled by representatives of commerce and industry, *who will speak in the legislatures from the expert and technical point of view*". (The italics are ours).

The following observations, also, of the Committee, in the same paragraph mentioned above, deserve notice :—

“ Functional representation is assuming increasing importance under modern conditions, and the arguments in favour of making special provision for the presence on the legislative bodies, of business and economic experts is, in our judgment, a strong one ”.

Again in paragraph 324, the Committee has said :—

“ As regards the method of representation of commerce, we are satisfied that the *method of representation through associations* has worked fairly satisfactorily in the past and we recommend that it should be continued in the future.” (Italics are ours.)

3. The Nattukkottai Nagarathars' Association, as indicated in paragraph 15 of the Government Order, is an Association representative of “ special ” as opposed to “ general ” commercial interests. That is a recognition of the diversity of interests as between the Nattukkottai Nagarathars' Association on the one hand and the Southern India and Andhra Chambers on the other. When the interests are distinct and separate as in the present instance, amalgamation of those organizations may lead to unhealthy rivalries and undesirable competition, features which in the interests of commercial advancement ought to be avoided.

4. Amalgamation of commercial organizations representative of distinct interests should be resorted to, only under special circumstances. When the question of the amalgamation of the Madras Chamber of Commerce and the Madras Trades Association was dealt with by the Indian Franchise Committee one of the important considerations that weighed with the Committee in recommending the amalgamation was—

“ The Madras Chamber of Commerce and the Madras Trades Association have *agreed* to combine for the purpose of returning their quota of representatives to the Council.” (Page 130, Volume I, Indian Franchise Committee Report.)

In the matter of the amalgamation indicated in paragraph 15 of the Government Order, the fact that the Government did not consider it necessary to consult either the Southern India Chamber of Commerce or the Nattukkottai Nagarathars' Association as to their willingness to combine is a tacit recognition that these bodies are entitled to continue to have separate representation. There is no agreement between the Association and the Chambers mentioned.

5. That special commercial interests should be separated from general commercial interests, in the matter of representation is, to cite but two instances from sister Presidencies, the prevailing view in Bengal and Bombay, for in the former Presidency the “ Marwari Association ” and in the latter, “ The Millowners' Association ” have been recommended to continue to return a member each, quite apart from the general representation accorded to Indian commercial bodies. In our province we have the analogy furnished by the Planters' Association.

The Association submits that the fact that some of the members of the Nattukkottai Nagarathars' Association are also members of the Southern India Chamber should not be construed as debarring the Association from having separate representation. In this connexion the Association may be permitted to point out that (1) it is only some of the Nattukkottai Nagarathars that are members of the Chamber and (2) that the Provincial Delimitation Committee has recommended that :

“ The Nattukkottai Nagarathars' Association may continue to return a member to the Legislature ”,

and has added that the same individual who happens to be a member of both the bodies ought not to have a vote in both the constituencies.

A brief analysis of the recognition of the claims of Nattukkottai Nagarathars for separate representation will also be relevant and useful. The privilege was first accorded in 1910, when His Excellency Sir Arthur Lawley, the then Governor of

Madras, was graciously pleased to nominate a member of the community to the Madras Legislative Council. From so early a period down to the time of the inauguration of the Montague-Chelmsford Reforms a member of the Nattukkottai Nagarathars' community was always nominated to the Legislative Council. With the coming into being of the Reformed Legislative Council, the association was granted the right of electing a representative. The manner in which the Indian Statutory Commission dealt with the claims may now be referred to. The first step in that connexion was taken by the Madras Committee attached to the Statutory Commission, elected by the members of the Madras Legislative Council and presided over by Sir A. P. Patro, K.C.I.E. The recommendation of the Committee was :

"We also recommend the continuance of the special representation for commercial interests, the Nagarathars and planters." (Volume III, page 19, Report of the Statutory Commission.)

It will be seen from this that the special interests of the Nagarathars and planters were recognized for special representation. The Indian Central Committee attached to the Statutory Commission agreed to the allocation of the seat. When the matter was considered by the Statutory Commission the view expressed was :

"Not less important and equally justified is the representation of Indian Commerce and Industry. We think this class of representation should be maintained approximately in its present proportions, and what we have said applies generally to seats earmarked for mining, planting, and trading associations." (Volume II, page 74 of the Report of the Statutory Commission.)

The Madras Government accepted the above recommendation. So also did the Government of India, for in the Despatch on proposals for constitutional Reform it is stated :

"We endorse the proposal of the Statutory Commission that the special representation of commerce and industry should be preserved. We see no reason to differ from the detailed recommendation which some Provincial Governments have made in this matter.

The stages connected with the Indian Franchise Committee come next. The Memorandum by the Madras Provincial Franchise Committee says :

"The Committee is in favour of the retention of representation of the following special interests : Universities, European Trade and Commerce, Indian Trade and Commerce, Planting, Landholders, Nattukkottai Nagarathars. There is no specially important mining interest within the province requiring special representation." (Volume II, page 29, Indian Franchise Committee Report.)

To the same effect was the supplementary Memorandum by the Committee and the Madras Government (Volume II, pages 32 and 14, Indian Franchise Committee Report).

The recommendation of the Franchise Committee regarding the matter was thus :

"We recommend, in these circumstances, the retention of the seats at present allotted to commerce, industry, and trade in the provincial Legislature, without any proportionate increase in their number consequent on such increase in the size of those legislatures as may ultimately be approved."

"We have given consideration to the claims for special representation advanced by organizations speaking for trade and commerce in various provinces other than those already represented. The commercial and industrial organizations now recognized for the purpose of representation in the legislatures are, in our view, *fully capable of representing the interests of industry and commerce as such.*" (Volume I, paragraphs



322 and 323, Indian Franchise Committee Report.) (Though the italics above are ours, the emphasis on those words cannot be lost sight of.)

With reference to the report of the Indian Franchise Committee there are two very important points to be noted :

(1) That the Memorandum and Articles of the Nattukkottai Nagarathars' Association were before the Franchise Committee in arriving at decisions as would be evident from Volume II, page 51 of the Report, and (2) the Joint Parliamentary Committee Report records as follows regarding the conclusions reached by the Indian Franchise Committee :

"We are greatly indebted to the admirable and exhaustive Report of the Franchise Committee which reached its conclusions after prolonged and intensive discussions in India with the Provincial Governments and with Provincial Franchise Committee; and we are satisfied that their recommendations have met with general support from Indian opinion, expressed not only in India but also at the Third Session of the Round Table Conference in the evidence of the witnesses who appeared before us and in the discussions which we have had with the British India Delegates." (Volume I, part I, paragraph 124, Joint Parliamentary Committee Report.)

The White Paper and the Joint Parliamentary Committee Report, two great compilations the importance of which cannot be overstated, have also recognized the Nattukkottai Nagarathars' Association for special representation. The White Paper at page 93 states as follows :—

*"Franchise for Special Constituencies.*

Commerce Constituencies . . . . . Members of the Madras Trades Association, the Southern India Chamber of Commerce, and the Nattukkottai Nagarathars' Association are qualified respectively as electors for the constituency comprising the Chamber or Association of which they are members."

That the Joint Parliamentary Committee Report approves of the allocation of the special interests seats provided for in the White Paper would be clear from the following passages :—

"But we are in any case of opinion that the representation proposed in the White Paper for landlords, commerce and industry, universities and labour, may be regarded as striking a just balance between the claims of the various interests, and as affording an adequate representation for them." (Volume I, part I, paragraph 121, Joint Parliamentary Committee Report.)

The Provincial Delimitation Committee which sat only a few days back after going carefully into the matter of commercial representation recommends :

"That the Nattukkottai Nagarathars' Association may continue to return a member to the Legislature."

The Committee of the Association sincerely trusts that the submissions set forth above will convince the authorities that the combination of commercial constituencies proposed in paragraph 15 of the Government Order will deprive the Association of its existing right to special representation. The Association therefore humbly prays that it may be allowed to continue as a separate constituency returning a member to the Legislature, a privilege which the Association has been enjoying for a quarter of a century.

### **35. Letter No. G.-985, from the Southern India Chamber of Commerce. Dated the 5th September 1935.**

The Committee of the Southern Indian Chamber of Commerce having carefully gone through the Report of the Madras Delimitation Committee and the Governments' views thereon begs to submit this memorandum, which relates only to the subject of representation of Indian Commerce, on the Madras Legislative Assembly.

The Madras Delimitation Committee has recommended that the Southern India Chamber of Commerce and the Nattukkottai Nagarathars' Association, which are the two bodies that at present have the right to send representatives to the Legislature should continue to return a member each. With reference to this the Government have stated :—

“ For the representation of Indian Commerce the Government are inclined to think, that instead of continuing the present system, by which the Southern India Chamber of Commerce and the Nattukkottai Nagarathars' Association each return one member, a more satisfactory arrangement would be to combine these bodies, together with the Andhra Chamber of Commerce, which is an Association representative of general as opposed to special commercial interests, to form a single constituency returning two members.”

If the view of the Government is accepted then the very object aimed at, namely efficient representation of general and special commercial interests will be frustrated by combining together separate commercial institutions whose interests are distinct from one another and which are considered by Government as representing either general or special interests only.

A brief reference to the status of the Chamber and to the recognition by various competent authorities of the claims of the Chamber for separate representation on the public bodies would be of use in this connexion. Established in 1909, the activities and influence of the Chamber have shown rapid progress during an unbroken period of 26 years. It was the third Indian Chamber of Commerce to be started in the whole of India. It is one of the two Indian Chambers of Commerce which are housed in their own building. In respect of funds this Chamber is in the very front rank of Indian Chambers of Commerce. It has on its rolls as many as 474 members representing the various trades and industries of the country, and no distinction whatsoever is made in respect of caste, creed or language for eligibility of membership.

Apart from its representation on the Madras Legislative Council the Chamber has for the past several years been accorded separate representation on various public bodies, such as—

The Madras Port Trust,  
 The Board of Industries,  
 The Madras and Southern Mahratta Railway Advisory Committee,  
 The South Indian Railway Advisory Committee,  
 The Senate of the Madras University,  
 The Senate of the Annamalai University,  
 The Council of the Madras Corporation,  
 The State Technical Scholarship Board,  
 The Provincial Cotton Committee,  
 The Government Royapuram Hospital Committee.  
 The Government Ophthalmic Hospital Committee,  
 The Railway Rates Advisory Committee,  
 The Presidency Shorthand-writers Association Examiners' Board.  
 The Income-tax Board of Referees, and  
 The City Police Advisory Committee.

The constitution of the Chamber no less than the activities of the organization will show that the Chamber is impelled by high and broad ideals. The Chamber is

quick in acquiring and disseminating commercial information. The various departments of the Government of Madras and the Government of India would vouchsafe to the fact how prompt and helpful this Chamber has always been in sending its opinions and suggestions from time to time on matters of commercial and economic importance. The exact services the Chamber has rendered may be gathered from the annual reports, which all go to show that the Chamber has established its pre-eminence. Thus it will be seen that the organization is sufficiently well-established and adequately representative.

The Madras Delimitation Committee has recommended that "the Southern India Chamber of Commerce should without delay undertake a revision of its rules both for purposes of removing any limit or restriction on membership and to prevent the possibility of its becoming a close corporation." The Committee begs to state that the limit was fixed only for registration purposes as per sub-section (4) of section 17 of the Indian Companies Act, extracted below :—

"In the case of an unlimited company or a company limited by guarantee if the company has not a share capital, the articles shall state the number of members with which the company proposed to be registered for the purpose of enabling the Registrar to determine the fees payable on registration."

That the Chamber has never allowed itself to be hampered by any limit or restriction on membership is shown by the fact that the limit was formerly 200, and in the year 1922 when there was a likelihood of its membership going beyond that limit the Chamber very readily applied to the Registrar of Joint Stock Companies for the increase from 200 to 500 being made. However, to put the matter beyond doubt, the Chamber will take necessary steps to carry out the recommendation of the Provincial Delimitation Committee. In this connexion the Committee of the Chamber begs emphatically to state that the Chamber has never been "close corporation;" for the rules and regulations in regard to eligibility for membership are wide and broad-based.

The claims of the Southern India Chamber of Commerce for separate representation in the Legislature were first recognised in the Montague-Chelmsford Reforms and in the reformed Legislative Council, a representative of the Chamber has been sitting for the last fifteen years and functioning efficiently to promote the interest of the Indian commercial community. The manner in which the Indian Statutory Commission dealt with the claims of the Chamber may now be examined.

The Indian Central Committee attached to the Indian Statutory Commission after examining proposals relating to commerce and industries reported in 1929 as follows :—

"In Madras we would increase the number of representatives of trade and commerce from 5 to 6 by allotting one additional seat to the Southern India Chamber of Commerce."

When the matter was considered by the Indian Statutory Commission the recommendation made was as under :—

"Not less important and equally justified is the representation of Indian commerce and industry; we think this class of representation should be maintained approximately in its present proportion and what we have said applies generally to seats earmarked for mining, planting and trading."

The Madras Government and the Government of India accepted the above recommendation as would be clear from the following statement :—

"We endorse the proposals of the Statutory Commission that special representation of commerce and industry should be preserved. We see no reason to differ from the detailed recommendations which some provincial committees have made in the matter." (Page 34, Government of India Despatch on proposals for constitutional reform.)

How the claims were considered by the Indian Franchise Committee may be examined next. The memorandum and the supplementary memorandum of the

Madras Provincial Franchise Committee submitted in February 1932 recognized the claims of the Chamber for separate representation. (Pages 29 and 32, Volume 11 of the Indian Franchise Committee.) To the same effect were the memorandum and supplementary memorandum presented by the Government of Madras on the Franchise Committee questionnaire. (Pages 14 and 21, Volume 1 of the Indian Franchise Committee Report.)

The view of the Indian Franchise Committee which had before it a copy of the memorandum and Articles of Association of the Southern India Chamber of Commerce was that the commercial and industrial organizations which then had representation on the Legislatures—this Chamber being one such—“are fully capable of representing the interests of industry and commerce as such.” (Paragraph 323, Volume 1 of the Indian Franchise Report.)

Coming now to more recent documents, the White Paper and the Joint Parliamentary Committee Report, two carefully considered documents which form the basis of the Government of India Act, have also recognized the claims of the Southern India Chamber of Commerce to separate representation ; for a reference to page 359 of the Joint Parliamentary Committee Report will show as follows :—

“Franchise for special constituencies. Other commerce constituencies.—Members of the Madras Trades Association, the Southern India Chamber of Commerce and the Nattukkottai Nagarathars’ Association are qualified respectively as electors for the constituencies comprising the chamber or association of which they are members.”

The Madras Delimitation Committee has also held that—

“No case has been made out for a change or for taking away the representation which the chamber and association had and recommends that the Southern India Chamber of Commerce should continue to form a constituency.”

In addition to what has been set forth above, the following points also merit attention :—

- (1) The utility of a single large organization which has become a really representative and authoritative body of commercial interests like this chamber is far greater than can be expected from a combination of a number of unrelated organizations and therefore no attempt should be made to minimize the importance and usefulness of such an organization.
- (2) Such a body succeeds in sending to the legislatures a representative with a mandate from an authority which remains competent to enforce it. This is indeed very important in view of the following observations of the Government of India :—“On the other hand, the recognition of Chambers of Commerce as electoral constituencies is a privilege which has long been enjoyed. The arrangement succeeds in securing men of weight in the commercial world as members of the legislatures. It sends them to the legislatures with a mandate from an authority which remains competent to enforce it and it facilitates their continuous attendance. A chamber can always get its representative to resign it if he cannot attend the legislature, and can elect another without difficulty, whereas the process of substituting a representative of the general constituency is far more cumbrous. . . . It is notorious that in the past businessmen returned by general constituencies have taken views on commercial matters differing from those entertained by responsible commercial opinion outside the Assembly and the feeling is strong that commercial representatives should have a commercial mandate and be answerable to commercial influence.” (Government of India memorandum to the Statutory Commission, Volume IV, page 196.)

- (3) Recognition of commercial organizations formed on a linguistic basis would frustrate economic activities and multiply differences.
- (4) If commercial organizations founded on a linguistic basis are to find favour in the matter of representation on legislatures, that would be an inducement to form such organizations solely for the purpose of pressing for representation.

Further, an examination of the constitution of the Nattukkottai Nagarathars' Association and the Andhra Chamber of Commerce and the purpose which these institutions are expected to fulfil will to an extent enable one to decide whether it would be advisable to club together the three commercial bodies in the matter of representation.

The Nattukkottai Nagarathars' Association is, on the Government's own showing, an organization which represents special interest. As such its interests are distinct from the interests of the Chamber, and the Nagarathars' Association has secured the right of separate representation from the time the same privilege came to be enjoyed by the Chamber. Moreover, the Indian Franchise Committee has laid down that "Functional representation is assuming increasing importance under modern conditions and the arguments in favour of making special provision for the presence in legislative bodies of business and economic experts is in our judgment a strong one." (Paragraph 320 of the Indian Franchise Committee Report, Volume 1.)

The Andhra Chamber of Commerce is of recent origin having come into existence only in 1928 with 20 members then on its rolls. The objects of the Chamber as set out in sub-clauses (a), (c), (d), (g) and (h) of clause 3 of the Memorandum of Association will establish that the Chamber has been founded entirely on a linguistic basis. Whatever justification may be claimed in favour of institutions with a linguistic basis in the merely political sphere it is in no way warranted in the economic sphere. It cannot be said that the Andhras have at any time suffered for want of a separate Chamber functioning on a linguistic basis. Long before the establishment of the Andhra Chamber and even now Andhras have been and are members of this Chamber. Andhra members of this Chamber have also been office-bearers and representatives of this Chamber on public bodies, namely :—

The late Sir P. Theagaraya Chettiyar, President of the Southern India Chamber for over eleven years and representative of the Southern India Chamber of Commerce on the Madras Port Trust Board for several years.

Mr. Vavilla Venkateswara Saserulu (at present Secretary of the Andhra Chamber of Commerce) was representative of the Chamber on the Madras Port Trust Board for a term and is now representing the Southern India Chamber on the Senate of the Madras University.

Rao Saheb C. Jayaram Nayudu, Mr. M. Venugopal Nayudu, Mr. V. Arunagiri Nayudu, Mr. P. N. Nuthusami Nayudu, and Mr. D. V. Hanumantha Rao were secretaries of the Chamber in the past.

Mr. B. Sundara Bashiam Nayudu was representative of the Chamber on the Senate of the Madras University.

Rao Sahib C. Jayarama Nayudu represented the Chamber on the Senate of the Annamalai University and Mr. Sami Venkatachalam Chetti represented the Chamber on the Economic Depression Committee.

Mr. P. Alagasingami Nayudu was representative of the Chamber on the Madras Corporation.

Mr. P. S. G. Ganga Nayudu, now represents the Southern India Chamber on the Provincial Cotton Committee.

Diwan Bahadur G. Narayanasami Chetti represented the Chamber for several years on the Madras Port Trust Board.

Mr. G. Janikiram Chetti now represents the Chamber on the Madras Port Trust Board.

Mr. Narayanadoss Girdhardoss, present President of the Andhra Chamber is a member of the Committee of this Chamber and was representative of this Chamber on the Madras Corporation for one term and on the Board of Industries for three terms.

Diwan Bahadur Govindoss Cathurbujadoss, now member of the Andhra Chamber, was Vice-President of the Southern India Chamber for many years and President of the Chamber for one year and representative of the Chamber on the Madras Port Trust Board and Road Board for several years.

All this would show that Andhras had ample opportunities of being representatives of commerce on public bodies through this Chamber and also as office-bearers of the Chamber. Further this would show that the Andhras had no necessity to organize and conduct a separate Chamber of their own. The fact that none were more convinced of it than the Andhras themselves could be seen from the fact that the Chamber has not made any tangible progress.

We have not been able to get much information about the work of that Chamber and we were only able to know the following particulars from the records of the Registrar of Joint Stock Companies. The last balance sheet filed by that Chamber was for the year 1929-30 as per the provisions of the Indian Companies Act, under which the Andhra Chamber has been incorporated. The number of members of the Andhra Chamber will prove that the organization is not a large and representative body. Even among the few members on the rolls of the Andhra Chamber could be found members who are already members of the Southern India Chamber. Thus it will be seen that the Andhra Chamber has not made itself felt in any commercial sphere.

Here the Committee of this Chamber desire respectfully to draw the attention of Government, to the manner in which claims of different institutions have been dealt with in a sister Province like Bombay.

The Bombay Delimitation Committee say :—(Paragraphs 34 and 35)—

“ We considered also the claims put forward by various commercial bodies, other than those which at present enjoy representation, to either a separate seat or to inclusion in one of the existing commerce constituencies. We have received representations in this connexion from the Shroffs Association, the Maharashtra Chamber of Commerce, the Bullion Exchange, the Marwari Chamber of Commerce, the Karnatak Chamber of Commerce and the Poona Vyapari Sangha (The Poona Merchants' Association).

In our opinion none of these associations is of sufficient importance to be entitled to representation in a commerce constituency either singly or combined with others. If special representation is to be given to commerce, it is in our opinion essential that the Associations which form these constituencies should be well established and of such standing and importance that they could be relied upon to send to the Assembly as their representatives men of outstanding ability and experience, whose expert knowledge would be of help to the legislature. None of the associations from whom representations have been received by us is in our opinion better entitled to represent Indian Commerce than those which form the existing constituencies and the continuance of which the Commissioners have recommended. We considered also whether it would not be possible to combine with the existing associations some of those which have now applied for representation, but came to the conclusion that this was neither desirable nor necessary. The two Mill-owners Associations which enjoy seats at present represent adequately and efficiently the interests of the mill industry in the two principal centres of that industry in the Presidency while the Indian Merchants' Chamber is in our opinion thoroughly representative of the interests of Indian commerce generally and is best fitted to represent those interests in the provincial legislature.”

The institutions whose claims for representations were rejected by the Bombay Committee are of greater standing than the Andhra Chamber of Commerce. The claims of the Andhra Chamber for being combined with this Chamber in the matter of representation either for the Madras Provincial Assembly or for the seat in the Federal Assembly are untenable. Just as the Indian Merchants' Chamber, Bombay, has been declared to be best fitted for representation, we may be permitted to state that the Southern India Chamber of Commerce is the premier Chamber in this Presidency best fitted, deserving separate representation.

The Committee of the Southern India Chamber, therefore prays that the present arrangement may be allowed to continue.

### 36. Letter No. G.-15, dated the 6th January 1936 from the Southern India Chamber of Commerce, Madras.

I beg to confirm my telegram of today's date as follows :—

"Thanks your telegram. With reference to question A this Chamber feels that affiliation is not essential. If, however, your Committee insists this Chamber will abide with reluctance. In this connection wish to inform that seven commercial organisations are already ordinary members of this Chamber under Article seven. Others left over were addressed early in October last to join as ordinary members. Further beg to request your Committee to make a comparative examination of the question of affiliation in other Provinces which will show that affiliated bodies in other Provinces are not allowed extra voting power for example Rule fourteen of Rules and Regulations of Indian Merchants' Chamber, Bombay, with reference to question B regarding limit of membership this Chamber at a meeting of the General Body held on 3rd January, 1936, by an unanimous Resolution removed the limit of 500 members and substituted the following Article in place of old Article 2 and omitted old Article 3 :—

"The New Article 2 reads as follows :—

'There shall be no limit to the number of members to Chamber may consist of.'"

As required under Indian Companies Act the formal confirmation of the Resolution passed on 3rd January 1936 would be done at meeting which has been convened to be held on 20th January, 1936, expressly for this purpose. Assure you that the formal confirmation would be done and shall send you telegram on 20th. As desired sending you by post text of Resolution passed on 3rd and copies of Articles of Association."

I am sending by separate post a copy of the Articles of Association of this Chamber in which Article 2 has been amended as per the unanimous Resolution passed by the General Body Meeting of the Chamber held on the 3rd instant. I also send three copies of the Articles as before the amendment in question was made as well as a copy of the notice issued to members of the Chamber convening a General Body Meeting to confirm the Resolution passed on the 3rd instant.

### 37. Evidence of Mr. C. Abdul Hakim Sahib, President, the Southern India Chamber of Commerce and the Southern India Skin and Hide Merchants' Association.

*Madras, dated the 26th November 1935.*

*The Chairman.*—You are the Chairman of the Southern India Chamber of Commerce ?—Yes.

*Q.*—You claim that the Southern India Chamber of Commerce which has been having a seat in the present legislature should continue to have it?—Yes.

Q.—But you wish to enlarge the Southern India Chamber of Commerce by including the Southern India Skin and Hide Merchants' Association?—Yes.

Q.—In what way would you include it: just as an associated chamber having one vote in the meetings of the Southern India Chamber? Or would you take all the members of the Association into the Southern India Chamber of Commerce?—In the Southern India Chamber there are also members of the Hide and Skin Merchants Association and the Piecegoods Merchants' Association. Therefore it will be in the fitness of things to give the seat to the Southern India Chamber.

*The Hon'ble Mr. Justice Din Muhammad.*—You do not press for separate representation for the Skin and Hide Merchants Association?—No, I am the President of the Skin and Hide Merchants' Association and the Piecegoods Association. I do not think they should be given separate representation.

*The Chairman.*—I do not quite follow you. How many members are there in the South Indian Skin and Hide Merchants' Association?—About 120 members.

Q.—How many of them are members of your Chamber?—About 50 per cent. of them.

Q.—Why cannot the rest also become members of your Chamber?—The moment you give representation to the South Indian Chamber of Commerce a number of members of the Hide and Skin Merchants' Association will become members of the Chamber.

Q.—Is the membership of the Chamber limited?—There was a limit of 500 but now we have removed that limit.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—When was that limit removed?—Just when the Provincial Delimitation Committee suggested it. The Executive Committee has passed a resolution removing the limit. We have to get it ratified by the general body and it will be done as a matter of course.

*The Chairman.*—Now there are these other Associations that have been brought to our notice. The Piecegoods Merchants' Association, the Rice and Grain Merchants' Association, the South India Mill-owners' Association, the Madura Chamber of Commerce, the Malabar Chamber of Commerce, the Vizagapatam Indian Chamber of Commerce, the Chemists and Druggists Association, the Publishers and Booksellers Association, the Cocanada Chamber of Commerce, the Northern India Merchants Chamber. Are these or any of these members of your Chamber?—Most of them, though not all of them, are members of our Chamber.

Q.—Have you got a list of your members?—Yes, we have. (A list was handed over to the members of the Committee).

Q.—How are we to find out from this list whether a particular Association, for instance, the Indian Millowners' Association, Coimbatore, is a member of your Chamber or not?—No interest is omitted in the Southern India Chamber. All the interests are represented.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Is there any provision by which any of these bodies can be affiliated to the Southern India Chamber of Commerce as a body? Are there any bodies affiliated to your Chamber?—There is the Calicut Chamber of Commerce. The list will show also the following bodies which have been affiliated:

The Indian Chamber of Commerce, Tuticorin (page 7).

The Indian Chamber of Commerce, Coimbatore.

(No. 210). The Madura Ramnad Chamber of Commerce.

(No. 223). The Malabar Chamber of Commerce.

(No. 296). The Negapatam Chamber of Commerce.

(No. 379). The Rice and Grain Merchants' Association, Madras.



*Q.*—In the matter of voting, do these member-bodies possess only one vote each, or, are the votes of each body proportionate to the number of its members of the body concerned?—Each body possesses only one vote.

*Q.*—You regard the body as an individual for the purpose of voting?—Yes.

*Q.*—Is the Skin and Hide Merchants' Association a member of your Chamber?—No. The Trichinopoly District Merchants' Association also should be added to the list of Associations who are members of our Chamber.

*The Chairman.*—Is it registered?—Yes.

*Q.*—Is the Negapatam Chamber of Commerce registered?—Yes.

*Q.*—My information is that it is not registered.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Now these various bodies have one vote each. Take a hypothetical case. An association becomes a member of your Chamber. There are 50 members in it none of whom is a member of your Chamber. Would it not be a hardship that such a body should have only one vote just like any individual member?—The considered opinion of the Committee is that it will not improve matters very much if we give a vote to each of the members of these bodies. It may help in the way of disseminating commercial news and all that, but as regards efficient representation the present practice will do.

*Q.*—The Southern India Chamber of Commerce has its location in Madras. To allow an influential body in Tinnevely only one vote in your deliberations would really be a hardship. Is it not?

*The Chairman.*—There is a still more anomalous state of affairs. Suppose you get an association affiliated to the Southern India Chamber of Commerce. That association will get only one vote. But there may be 4 or 5 members of that Association who are also individual members of the Southern India Chamber and each of these members will get one vote. So that you may get the Association as a whole wanting one thing while the four individual members wanting another thing and voting down the Association as a whole.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Yes. Suppose the Tuticorin Chamber of Commerce is a member of your Chamber. It gets only one vote. Four members of the Tuticorin Chamber may be individually members of your Chamber and they get in all four votes. So that if the Tuticorin Chamber as a body puts forward one view, it cannot prevail as against the view of the four individual members.—There is no anomaly here. For instance while the Coimbatore and Tinnevely Chambers are members of our Chamber, several individual members of those two chambers are also members of the Southern India Chamber of Commerce. While these members represent separate interests, we as a chamber represent the general interest.

*Q.*—You do not follow the question?

*The Chairman.*—Supposing we took this list of members and said that the Southern India Chamber of Commerce was to be the constituency for the purpose of electing a member to the Legislative Assembly. Of the members of your Chamber there are three or four who come from the Tuticorin Chamber of Commerce. They are individuals—individual members of your Chamber. The Tuticorin Chamber of Commerce also is a member. Now does that mean that in the election of a member to the Legislative Assembly, the Tuticorin Chamber as a whole will have one vote while the four individual members will have a vote each?—It is open to all the members of the other Associations also to become members of our Chamber.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—You do not see the anomaly which is so obvious. Suppose the Tuticorin Chamber has passed a resolution by a majority of 46 against 4. These four members who happen to be in the minority are individually members of the Southern India Chamber of Commerce. When the matter is discussed in that Chamber, the views of the minority of four will prevail as against the views of the Tuticorin Chamber because it has only vote against the four votes of these individual members.—That will not happen so, because it will be voted upon at the general body meeting.

*The Chairman.*—It is obviously anomalous. We had representations from various Chambers of Commerce to the effect that they should be recognised for the purpose of the commerce constituency. Take the Andhra Chamber of Commerce. Is it a very important body, a large body? Is that a member of your Chamber?—It is not a very important body.

*Q.*—Why not?—It is not well established. It came into existence only about 1928.

*The Hon'ble Mr. Justice Din Muhammad.*—That means it has been in existence for the last seven years?—Today I inspected the records of the Registrar of Joint Stock Companies and I found the following statement signed by the President, and the Honorary Secretary of the Andhra Chamber of Commerce. This is the Auditor's Report :

“From the Minutes Book of the Chamber I find that the Chamber has not been functioning from July 1931 to 31st December 1934, that all the books and vouchers, etc., for the period ending 31st December 1934 were missing. In the absence of the account books I have relied on the Indian Bank to ascertain the cash to the credit of the Chamber. There are no other liabilities.”

Now this statement that the Chamber has not been working from 1931 to 1934 has been filed by the President and Secretary of the Chamber on 20th November 1935. No balance sheet has been filed. They themselves admit they have not been working.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—It does not matter. For our present purposes we took it only as an illustration.

*The Chairman.*—Is the Andhra Chamber a member of the Southern India Chamber of Commerce?—The Chamber has not been working at all. I may say that a number of Andhras are members of our Chamber.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Would you like to alter your rules so that members of any affiliated body can vote as though they are members in their own right of your Chamber?—There is no use of giving votes for all the members of the mufassal chambers. As far as possible we must confine it to the members of the Southern India Chamber. But I have no objection to allocate a certain number of votes to each affiliated body according to the importance of the body.

*The Chairman.*—How are you going to allocate the votes? Is that not very difficult?—That is only a suggestion. If you have any objection to it, give the votes to the Southern India Chamber of Commerce and it will induce other members also to join the Southern India Chamber.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—It is very difficult for a man in Tinnevely to become a member of the Southern India Chamber of Commerce, attend its meetings and be in any sense of the word a useful member of the body. He naturally wants to be a member of the local body and it in turn wants to be a member of your Chamber. As regards voting, every member of the local body should have a vote just as any member of the Southern India Chamber of Commerce?—We can also do that.

*Q.*—I am only making a suggestion, not that we are satisfied it is right. If you have any better suggestion, make it.

*The Chairman.*—Supposing you have these Associations, 14 or 15 of them, and they become affiliated to the Southern India Chamber of Commerce. By virtue of such affiliation every member of these affiliated chambers or associations becomes a member of the Southern India Chamber of Commerce. But for the purpose of election, only those members whether of the Southern India Chamber of Commerce or of the affiliated associations and chambers, only those members who, we will say, have been assessed to income-tax on Rs. 10,000 for the past three years, and in the case of a firm or a registered company only those whose paid-up capital is over a lakh of rupees would be enfranchised. In other words the condition of franchise would be two; first they must be a member either of the Southern India Chamber of Commerce or of one of the affiliated chambers, and secondly that they have paid or been assessed to so much income-tax or that the paid-up capital is so much.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—There is a sort of double test. First of all, they must be members either of the parent body or of the affiliated body. Secondly, there is the condition applicable to both sets of members, i.e., they must have paid an income-tax on a particular income or must have a certain amount of paid-up capital?—We cannot pay income-tax throughout. In some years, we do not pay.

*Q.*—To meet that difficulty, suppose we say that he should have paid income-tax on an average over a period of three, four or five years?—That will be better. My considered opinion is this: I am against representation on the basis of income-tax, because there are very great difficulties regarding that. Even Mr. Jamal Muhammad's name who is a millionaire, was not, on account of economic depression, to be found on the register in one year.

*The Chairman.*—You take the register of the Council of State. One of the qualifications for that franchise is the payment of income-tax. Even those people who are temporarily unable to pay income-tax on account of loss in trade, lose the vote. So, that cannot be helped?—If on this account the people are not given the vote, then the commercial bodies themselves will suffer.

*Q.*—But if you are going to have financial qualification, it must be based on some such principles as that.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Supposing we put it on the basis of an average over four or five years; would you agree?—The economic depression may also last for five years or more.

*The Hon'ble Mr. Justice Din Muhammad.*—Supposing the man is adjudged insolvent on account of his loss? Would you still give him the vote?—No.

*Q.*—Then the same thing happens here. He is disfranchised when he incurs a disqualification. Apart from that, you say that one seat should go to you. Which other body do you think is entitled to the second seat?—One seat is enough; we do not want another seat.

*The Chairman.*—But whom would you recommend for the second seat?—I will be glad if you give me the two seats.

*Q.*—Supposing we give only one seat to the Southern India Chamber; what is the other body you would recommend for the second seat?—There is the Andhra chamber; there is the Hide and Skin Merchants Association. If you like, you can give it to either of them.

*The Hon'ble Mr. Justice Din Muhammad.*—What do you think about the Nagarathars' Association?—They are all money-lenders, not merchants. They want a seat, and they have been enjoying it all these years; they may also be given the seat.

*The Chairman.*—How many of them roughly are members of the Southern India Chamber?—182 out of 482. But my view is that if you give one seat to Nagarathars they should not stand for election here through the Southern India Chamber.

*Q.*—Do the Nagarathars of your Chamber represent merely banking interests or do they represent commerce and industry as well?—They are not doing much of commercial business, they are mostly bankers.

*Q.*—When you sent the memorandum on behalf of the hide and skin merchants, what sort of representation did you expect?—If you are in a mood to give a second seat to any other association, give it to this body.

*Q.*—Do you want this association to be clubbed along with others or do you want separate representation for this association?—I never meant that this association should be given separate representation. I thought, if you were to give representation to other associations, this also might be included.

*Q.*—Supposing we exclude this association, will you be satisfied?—I won't be dissatisfied, because most of the members of the association are in the Chamber. As regards limited membership, I want to add that formerly the limit was put at 200, but when that figure was reached, we raised it to 500, and we have also written a letter to the Registrar of Joint Stock Companies. (Here the witness read the letter).

*The Chairman.*—How is the admission made?—The committee ballots on the applications which are proposed and seconded by two members.

*The Hon'ble Mr. Justice Din Muhammad.*—Not by the whole house?—No, by the committee which consists of 27 members. One word more: if you can increase the number of seats from two to three and give the third to Mussalmans I shall be glad.

*Q.*—That is impossible.

*The Chairman.*—Thank you.

### 38. Evidence of the Hon'ble Raja Sir Annamalai Chettiyar, representing the Nattukkottai Nagarathars Association.

*Madras, dated the 26th November 1935.*

*The Chairman.*—Raja Sahib, you are of opinion that the Nagarathars Association should be given, as it has been given in the past, a seat in the Madras Legislative Assembly?—Yes.

*The Hon'ble Mr. Justice Din Muhammad.*—You agree to the restrictions suggested by Mr. Abdul Hakim that a member of the Nagarathars' community should not be entitled to stand for the Southern India Chamber seat?—I accept that proposal.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—That no Nagarathar member of the Southern India Chamber should vote at an election by that Chamber, to the Assembly?—Yes, but only to the Assembly.

*Q.*—And also that no Nagarathar member should stand as a candidate, so far as the Southern India Chamber of Commerce seat is concerned?—I agree to that; I should be satisfied with one seat for the Nagarathars.

*The Chairman.*—What is the strength of the Association?—340 at present.

*Q.*—It is confined strictly to one community?—Yes, to the banking community, which is the Nattukottai community.

*Q.*—It is confined practically to one caste?—We are all bankers; no doubt we are all of one community.

*The Hon'ble Mr. Justice Din Muhammad.*—Is there any other community interested in banking?—There are the Kallidaikurichi Brahmins, the Multanis and others.

*The Chairman.*—Can the Marwaris become members of the Nagarathars' Association?—No.

*The Hon'ble Mr. Justice Din Muhammad.*—The Nagarathars' Association is an association of Nattukottai Chettis?—Yes.

*Q.*—Your contention is that the Nattukottai Chettis form the most influential banking community in southern India?—The most influential indigenous banking community in south India.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—But there are others who also belong to the indigenous banking community?—May be, but they have no organisation as we have.

*Q.*—The only difficulty we feel about your claim for the present is this: supposing we have to find a method by which other communities, or even individuals, engaged in banking must vote to represent banking interest can you suggest any? For instance, if you take Madras City, there is a large number of bankers in Sowcarpet, is it not so?—Yes, there are some Marwari bankers also who carry on business on a large scale; although it is all hundi business.

*Q.*—Supposing some method can be devised by which your representation is not lost?—We will lose our importance then.

*The Hon'ble Mr. Justice Din Muhammad.*—You may lose your monopoly, not your importance?—We will lose our individuality.

*The Chairman.*—It has been said in one or two of the representations we received—and we had a lot of representations on this matter—that actually, as far as the Nagarathars in Madras are concerned, they are very much on the downward grade, that their trade or turnover is getting very much less year by year and that their activities are more in Burma, Malaya and Indo-China than in Madras?—It is true that our activities are more in Burma than in India; but we have not ceased to carry on our business here on account of the depression. No doubt some firms have been closed or some have gone back, but as the scope increases, they will come back. We have also got the funds necessary. The tendency now is to bring in more money into this country from the foreign countries, because the conditions prevailing in those countries are such that we have to do so.

*Q.*—You go as far as Siam?—Yes, and to Indo-China too.

*Q.*—And to Ceylon?—Yes. Will you kindly permit me to read out a quotation from Mr. Jain's "Indigenous banking in India"? He says:—

"Of all the indigenous bankers the Nattukottai Chettis are the most perfectly organised. Thurston observes that 'the methods are as remarkable as the European merchants. Very few of them have yet received any English education. They regard education as at present given in public schools as worse than useless for professional men, as it makes men theoretical, and scarcely helps in practice. The simple but strict training which they give their boys, the long and tedious apprenticeship which even the sons of the richest among them have to undergo, make them very efficient in their profession and methodical in whatever they undertake to do'."

*The Hon'ble Mr. Justice Din Muhammad.*—When was this written?—In 1929. I may add that three members of this community were chosen for the Banking Enquiry Committee, one in Burma, one in Madras and one for the Central Banking Enquiry Committee, and they represented the indigenous banking interests.

*Q.*—And you enrol individuals or associations as members?—Individuals.

*Q.*—One of the memorials presented to us says that although there are about 10,000 individuals in your community, the membership of the Association hardly comes up to 400?—Many families are represented on the Association, and they are all quite satisfied. We do not shut our doors to any who wants to come in. Any adult can become a member of the Association.

*Q.*—I really want to know why this Association is becoming unpopular and why out of nearly 10,000 people, the membership comes up to only 400?—It is not unpopular; on the other hand, I must submit that it is the most popular association. Almost every family of the Nattulottai community is represented, although there may be one or two exceptions. They encourage the association and help it with finance, etc. Up to this moment, we have not had any complaint.

*Q.*—Why don't they become members of the Association then? If only 400 out of 10,000 are members of your association, this would really bespeak unpopularity?—It is not at all unpopular; every village is represented and almost all the leading families in the community are represented. As I said, up to this moment, there has been no complaint on this account.

*The Chairman.*—It is a fact, I think, Raja Sahib, that apart from the Nagarathars, there are a good many others doing banking business in this province. You have got the Multanis in the Madras City for instance?—But the Multanis are very few.

*Q.*—You have got the Hindi merchants of Tinnevely and sowcars in practically every village?—There are very few such people.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—And yours is the only organized community, I quite realise that.

*The Chairman.*—Can you devise some system by which you can give representation to all the bankers?—Since 1929 when the Statutory Commission came out to this country down to a month or two ago, every Commission, every Committee of the Government recognised our claims, and recommended the retention of the seat which we have been enjoying for the last 25 years.

*Q.*—Apart from getting this seat, you are pretty sure of getting one or two other seats, is it not?—Men with extreme views are coming nowadays in large numbers; as a community we are conservative in our outlook, and in the coming elections I fear it will be difficult for us to compete with those people who go and say all sorts of things about us. I am afraid it is not possible.

*The Hon'ble Mr. Justice Din Muhammad.*—One of your countrymen put it to us that we should allot seats 'not for the dead reputation but for the living importance'. You might have been very important when you started or when representation was given to you, but the question is whether you are really important even now?—I beg to submit that we are continuing in that importance.

*Q.*—What do you say about the Andhra Chamber of Commerce?—I do not know very much about that Chamber, but I hear it is not functioning properly.

*Q.*—And so you want that two seats should be distributed between the Southern India Chamber and the Nagarathars' Association?—Yes.

*The Chairman.*—Well, then; we had representations from a large number of Chambers of Commerce and Associations of varied importance. I shall just read out to you their names: The Madras Piecegoods Merchants' Association, the South Indian Hide and Skin Merchants' Association, the Rice and Grain Merchants' Association, the South Indian Mill-owners Association, Coimbatore, the Madura and Ramnad Chamber of Commerce, Madura, the Malabar Chamber of Commerce, Calicut, the Trichinopoly District Merchants' Association, the Vizagapatam Chamber of Commerce, the Indian Chamber of Commerce, Tuticorin, the Negapatam Chamber, the Chemists and Druggists' Association, the Publishers and Booksellers' Association of South India, the Godavari Chamber of Commerce, Cocanada and the North Indian Merchants' Chamber of Commerce. All those naturally enough are interested in commerce, industry, and banking to a certain extent. How are we to give them representation? Can you give us any suggestion as to how we can bring them into the picture and give them a share or franchise in the election of a member for the commerce seat?—I may say in this connection that I was

listening to the question put to and the answer given by the representative of the Southern India Chamber who was here just now. It was suggested that about 15 associations should be affiliated to the Central Association, i.e., the Southern India Chamber. If the idea is to develop or encourage all the associations, the Central Association must have the importance. One association may represent a particular trade; other associations may be restricted to a small area. I do not know whether it would be possible for the Committee to give representation to all these associations all over the province. I think like the European Chamber, there must be a strong central association for the Indian chambers also, and that Central Association must be given all the importance we can give to it.

Q.—And the others can come and join it?—Yes; the members of the other associations may come in large numbers and join the Central Association. Their subscriptions may be Rs. 4 or As. 8 or Rs. 2, but I won't minimise their importance. Still, if they join the Central Association, they must pay the prescribed subscription. I think the Southern India Chamber now collects Rs. 24 a year.

Q.—For each member?—Yes. In some associations in the mufassal, the subscription is Rs. 2 or Rs. 3 a year, and it may be easy for say a town like Tuticorin, to collect about 1,000 members and come and compete with Madras people for the seat.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—To get over the difficulty, just consider this suggestion. You may be able to give us some help, it is a question of all-India importance. Supposing we say that the Southern India Chamber of Commerce must modify its rules so as to be bound to affiliate all these Associations, but as regards voting it is laid down that only those who pay such and such income-tax should be entitled to vote. Do you think this would on the whole give a better result?—Is the same restriction to be applied to the members of the Association here too?

Q.—Supposing the Tuticorin Chamber of Commerce wants affiliation. All right. But whether a person is a member of the affiliated body or of the central body, if he pays income-tax say on an income of Rs. 20,000, he shall have the right to vote, otherwise not. So that, all will be on a footing of quality, and membership enlarged in this way?—The present number is 500. If the restriction is removed, every one from the other associations can come in here provided he pays the prescribed subscription. If they are all anxious to have the franchise, they must become members of the Central Association.

Q.—In other words, your suggestion is that they should directly become members of this Central Association.—That is the right thing to do, in my opinion.

Q.—Let them be members of the local bodies for other purposes; but for exercising the vote if they think it is right, valuable they can become members of the Central Association. That is what you say?—Let them come here and enrol themselves as members of this Association. Further it is in the Presidency town and if Government want to consult them on any commercial matter it will be easy for them to do so. But if some Secretary or some member of, say, the Tuticorin Association is elected as President, how is he to be consulted?

*The Hon'ble Mr. Justice Din Muhammad.*—Are you a member of the Southern India Chamber of Commerce?—Yes.

Q.—Is it true that 182 members of your community are members of that Association?—Yes

Q.—And it represents all sorts of interests?—A variety of interests.

Q.—Trade, commerce, industry, everything?—Yes, everything.

Q.—You don't think the interest of trade or industries in the province will suffer if the Andhra Chamber of Commerce is not included in the commerce constituency?—I do not think so.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—These small bodies may have various functions to perform, but if the members think it worth their while to join the central body, let them do so and exercise the vote. That is what you say?—Yes.

*The Chairman.*—The members of the Andhra Chamber also can come in as members?—Yes.

*Q.*—And this Association need not cease to exist?—No, it can continue to exist as at present, and at the same time it can bring in as many members as possible to the Central Association.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—If there is any local question the Andhra Chamber of Commerce can deal with it. If there is any question of provincial importance, the Central Association, will consider it?—Yes.

*Q.*—There is nothing to prevent a man from being a member of both the bodies?—No. As a matter of fact, the Central Association is being consulted by the Government of India, by the members of the local Government on important questions and they are giving their valuable advice.

*Q.*—The whole trouble seems to have arisen as a result of certain personal differences of late in regard to this matter; it is rather unfortunate?—Very unfortunate; personal, too personal. That is the trouble. It is confined to a very few members of the Association.

*Q.*—My impression was that the Southern India Chamber of Commerce was a respectable body?—It is a very respectable body.

*Q.*—I use in the past tense?—It was and it has been a very respectable body and I am sure it will continue to be so.

*Q.*—Our endeavour is to recognise one Central Association and we are proceeding on those lines?—It is of course a sacred duty and in the interests of trade and commerce the Central Association must be encouraged in all ways possible.

*The Chairman.*—Also it seems to me it is very important to get as a representative a person who is returned by one association and answerable to that body; the committee of that Chamber can give him instructions and if he departs from them, the committee can question him and call him to order?—Yes, a mandate is necessary.

*Q.*—Is it impossible in other cases?—Absolutely impossible in the case of other things.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—As regards separate representation of the Southern India Chamber of Commerce, I have finished it. The question with which you are more intimately concerned is the representation of the Nagarithars' Association. You say that any scheme that which combines with it other banking interests does not have your approval?—It will not. It will unnecessarily create dissensions, unpleasant rivalry, unhealthy rivalry, etc.

*Q.*—Would every banker in the province be satisfied that his interest would be adequately represented by your Association?—Yes. In fact we are looking after their interests to the best of our ability.

*The Hon'ble Mr. Justice Din Muhammad.*—Money-lending interests will not suffer?—No, no. It is going to suffer, because everyday we see the members of the Legislative Council are very active. I mean Debt Conciliation Bill.



Debtors' Protection Bill, Land Alienation Bill, and all sorts of things, and all of them to the benefit of the borrower, none to the benefit of the lender.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—They are questions common to all banking interests. So, you say you are sufficiently protecting them ?—Yes, except the European banks.

### Bombay.

#### 39. Letter dated the 14th October 1935 from the Secretary, The East India Cotton Association, Limited, Bombay.

I am directed by the Board of Directors of the East India Cotton Association Limited, to address the Indian Delimitation Committee regarding this Association's claim to representation in the Bombay Legislative Assembly to one of the seven seats reserved for representatives of Commerce, Industry, Mining and Planting and to request that this letter and its accompaniments be submitted to the Committee for their favourable consideration.

2. I have the honour to enclose herewith a copy of letter dated the 21st June 1935 addressed by me to the Bombay Provincial Delimitation Committee. After taking into consideration that representation, the Provincial Delimitation Committee was pleased to decide that one of the seven seats under Commerce, Industry, Mining and Planting in the Bombay Presidency be allotted to members of the East India Cotton Association for election of their representative to the Bombay Legislative Assembly.

3. In issuing a Press Communiqué on the Report of the Bombay Provincial Delimitation Committee, the Government of Bombay said that they accepted the recommendation of the Bombay Provincial Delimitation Committee, provided it is not considered to infringe the provisions of the Communal Award of His Majesty's Government (*vide* paragraph 11 of the Government of Bombay, Press Note, forwarded to this Association on 15th August 1935). On this conditional acceptance of the recommendation of the Bombay Provincial Delimitation Committee, by the Government of Bombay, the Directors of this Association addressed to the Government of Bombay, as per their letter dated the 19th August 1935, a copy of which is enclosed herewith marked 'A' for the Committee's ready reference. The Government of Bombay have acknowledged receipt of that letter by their letter No. R-325, dated the 27th August without giving any reply to the query put to them in the said letter of the 19th August. Under these circumstances, my Board consider it necessary to make a representation to the Indian Delimitation Committee and I beg to summarise in brief the position as it exists to-day.

4. When the Constituencies for the Montague-Chelmsford Reforms were settled in 1919-20, the Cotton Trade of Bombay was under the control of the Government of Bombay under the Bombay Cotton Contracts Control Act of 1919, under which the Chairman of the Board was a Government Officer (Mr. G. Wiles, I.C.S. and Mr. G. Cowan, I.C.S., were the respective Chairmen during the period of control by Government). At that time the then Governor of Bombay, Sir George Lloyd, now Lord Lloyd, considered that to give separate representation to the East India Cotton Association may amount to giving one more nomination to Government and he therefore decided that he would ensure representation of the Cotton Trade on the Bombay Council by nominating a suitable person from that trade for that purpose.

5. Under that arrangement the first nominee of the Government of Bombay to represent the Cotton Trade on the Bombay Council was Sir Purshotamdas Thakurdas, C.I.E., who was then the senior member of the Control Board. On his resignation of that seat Sir Cusrow Wadia, C.I.E., was nominated to fill the vacancy. On Sir Purshotamdas Thakurdas' return after a few months, he was nominated to that seat on the resignation of Sir Cusrow Wadia. On Sir Purshotamdas Thakurdas going to the Council of State in 1923, the seat was offered to

Mr. Mathradas Vissanji but as he was unable to accept nomination owing to his other duties, Major W. Ellis Jones was nominated to fill that vacancy. Major Ellis Jones continued to be nominated till almost the middle of this year. It is unfortunate that the Bombay Chamber of Commerce claim this to be a "European seat" and contest the decision of the Bombay Provincial Delimitation Committee on the erroneous ground that if the East India Cotton Association is now made an electorate for one seat in the Bombay Legislative Assembly, the Communal balance may be upset. In this connection, I beg to invite your Committee's attention to the relative discussion in the Bombay Provincial Delimitation Committee which took place at their meeting on 24th June 1935, a detailed copy of which is enclosed herewith for ready reference of your Committee.

6. The Directors of the East India Cotton Association submit that it would not be right to infer, from the fact that Major Ellis Jones was the nominee of the Government of Bombay on the Bombay Council for a period of six years and more, that the seat for the cotton trade in the Bombay Council must be occupied by a European. My Board desire to submit that the position taken up by the Bombay Chamber of Commerce in this connection is based merely on a foot-note which reads as follows :—

*Foot-note.*—(a) to the Table printed at page 4 of "Material for the Bombay Provincial Delimitation Committee" re Allocation of seats in Provincial Legislatures (Lower House only).

"(a) The composition of the bodies through which election to these seats will be conducted, though in most cases either predominantly European or predominantly Indian, will not be statutorily fixed. It is, accordingly, not possible in each Province to state with certainty how many Europeans and Indians respectively will be returned. It is, however, expected that initially, the numbers will be approximately as follows :— Madras, 4 Europeans, 2 Indians; (Bombay including Sind), 5 Europeans, 3 Indians; Bengal, 14 Europeans, 5 Indians; United Provinces, 2 Europeans, 1 Indian; Punjab, 1 Indian; Bihar and Orissa, 2 Europeans, 2 Indians; Central Provinces (including Berar), 1 European, 1 Indian; Assam, 8 Europeans, 3 Indians; Bombay (without Sind), 4 Europeans, 3 Indians; Sind, 1 European, 1 Indian".

7. The Board submit that that footnote to the Table may have been inserted only owing to want of detailed information submitted above to His Majesty's Government. Regarding the coincidence of Major W. Ellis Jones occupying the seat, by nomination, earmarked for the representation of the cotton trade they submit that the same should not act to the prejudice of the cotton trade having direct representation on the Bombay Legislative Assembly. They, therefore, respectfully beg to urge that the decision of the Bombay Provincial Delimitation Committee taken on the 24th June 1935 be confirmed by the Indian Delimitation Committee.

8. There is one further reason which I am directed to mention here why the East India Cotton Association should have direct representation on the Bombay Legislative Assembly. Besides the importance of the cotton trade of Bombay, to the Bombay City and Presidency, it is necessary to bear in mind that the cotton trade of Bombay even at present works under legislation passed by the Bombay Legislative Council and it is only right that the representative of the Bombay Cotton Trade (East India Cotton Association) should be directly elected to the Legislative Assembly of the future by members of the East India Cotton Association.

9. I have the honour to request on behalf of the Directors of the East India Cotton Association that the Indian Delimitation Committee will hear the Chairman of the Board of Directors of the East India Cotton Association, Sir Purshotamdas Thakurdas, Kt., C.I.E., M.B.E., with a view to enable him to remove any doubts which may exist in the minds of the Committee, before they come to a decision.

## THE EAST INDIA COTTON ASSOCIATION, LTD.

FROM THE SECRETARY, E. I. C. ASSOCIATION, LTD., BOMBAY, TO H. T. LAMBRICK,  
ESQ. I. C. S., SECRETARY, BOMBAY PROVINCIAL DELIMITATION  
COMMITTEE, CONNAUGHT ROAD, POONA,

No. 3757. *dated Bombay, the 21st June 1935.*

SIR,

I have the honour under instructions of the Board of the East India Cotton Association, Limited, to request you to lay this letter before the Delimitation Committee.

My Association claim title to representation in the Bombay Legislative Assembly in one of the seven seats reserved for the representatives of commerce, industry, mining and planting. Their claim is based on the following considerations.

Under the Cotton Contracts Control (War Provisions) Act, being Bombay Act I of 1919, a Control Board was established for the purpose of regulating transactions in cotton in Bombay. In 1921, my Association was incorporated with the object of acquiring the assets and liabilities of the Cotton Contracts Board on the determination of the Board's authority and duly took over these assets and liabilities.

By the Bombay Cotton Contracts Act XIV of 1922, my Association was given a statutory charter to regulate and control transactions in cotton in Bombay and was also given the power to make Bye-laws having the force of law for regulating and controlling such transactions, not only as regards members of the Association but also as regards every person dealing in cotton in Bombay. This regulation and control included regulation and control of transactions, provided such transactions were to be carried out in whole or in part in Bombay.

By Bombay Act IV of 1932, an act to provide for the better regulation and control of transactions in cotton in Bombay my Association was given further statutory recognition with similar powers.

Accordingly my Association controls and regulates under statutory provision the immense trade which is done in Bombay in the buying and selling of cotton.

In the Bombay Legislative Council as at present constituted the Governor in Council has always nominated one person being a merchant in cotton to that body and this person has invariably been a member of my Association. On the system of nomination ceasing under the new Act it will only be possible to have a cotton representative on the Bombay Legislative Assembly if adequate provision is made for representation by the allocation of one seat under clause 10 of the Fifth Schedule to the proposed Act. The actual method of representation must be a matter of detail, but I am directed to suggest that the Members of this Association should form as such an Electoral Panel, for election of one of their number to one seat reserved for representation of the cotton trade in Bombay.

That this trade has a paramount claim to representation, in view of its primary importance to Bombay needs, in the opinion of my Board, no elaboration.

I have the honour to be.

SIR,

Your most obedient servant,

Sd. D. MEHTA,

*Secretary.*

*Minutes of the 4th meeting of the Bombay Provincial Delimitation Committee held on Monday, the 24th June 1935 at 2 p.m.*

PRESENT :

The Hon'ble Mr. Justice N. J. WADIA, I.C.S. (*Chairman*).

Rao Bahadur R. R. KALE, M.L.C.

Sardar Rao Bahadur BHIMBHAI R. NAIK, M.L.C.

Mr. HOSENALLY M. RAHIMTOOLA, M.L.C.

Khan Bahadur ABDUL LATIF HAJI HAJRAT KHAN, M.L.C.

Rao Bahadur S. N. ANGADI, M.L.C.

Rao Bahadur N. E. NAVLE, M.L.C.

Mr. J. H. GARRETT, C.S.I., I.C.S.

Dr. P. G. SOLANKI, M.L.C.

Sir PURSHOTAMDAS THAKURDAS, Kt.

Sir J. ABERCROMBIE, Kt., M.L.C.

*Members.*

Mr. H. T. LAMBRICK, I.C.S., *Secretary*.

*Commerce Constituencies.*

The Chairman opened the proceedings by explaining in some detail the present system of representation of commercial interests in the Legislature, mentioning the allocation of seats and their franchise, and reading a passage from the Indian Franchise Committee's report (pages 128-129) which discusses the present and future constituencies.

He then passed on to the Commissioners' recommendations original and final and drew attention to the note regarding commerce constituencies below the Communal Award.

The Chairman next summarised the representations received from various commercial bodies.

The Indian Merchants' Chamber put in a claim for one more seat, and suggested that it should be filled by a representative of cotton interests, elected by the East India Cotton Association, which should be affiliated to the Chamber.

The Chamber also put in a claim to one seat in the provincial Legislative Council.

The E. I. Cotton Association, the Shroff's Association, and the Maharashtra Chamber of Commerce similarly put forward their claims to one seat, failing which they asked that they should be included in the constituency which would elect commerce representatives to the Assembly. This latter view was also expressed by the Bullion Exchange.

Rao Bahadur Kale inquired whether the enlargement or reconstitution of the Commerce electorate fell within the province of the Committee.

The Chairman replied that the Committee were not debarred from making recommendations in this behalf.

He then called upon Sir J. Abercrombie to state his case for European Commerce.

Sir J. Abercrombie began by outlining the scope and functions of his Chamber.

He corrected the figures of membership previously received by the Committee the present figures being 192. The Chamber included Banks as well as firms, there was no restriction as to the nationality of its members; many Indian firms belonged to it; and he claimed that it represented Commerce on the broadest possible basis.

He asked for three seats for his Chamber (as shown at page 125 of the Materials)—observing that the Chamber would be prepared to earmark one for representation of the cotton interest. In justification of the Chambers' claim Sir John observed :—

- (i) The proposed arrangement would secure to Europeans the same number (*viz.* 7) of representatives in the future Assembly as in the present Council which considering the substantial increase in seats given to other communities could not be considered excessive.
- (ii) Europeans could not secure representation of Commercial interests through territorial seats, as other communities could do.
- (iii) The Chamber comprised among its members the broadest and most detailed knowledge of every branch of trade and commerce. Its advice had been useful in the Council in the past, and would be still more useful if representation was given as he proposed.

In regard to cotton, Sir John emphasised the fact that it could not be considered a Federal matter. It was of vast importance to the Bombay Presidency, the majority of cotton being shipped from the port of Bombay. In this he expected Sir Purshotamdas to bear him out.

In addition to their commercial experience and advice, the European group might well prove a steady influence when communal tension arose. Their seven members could not push through legislation without substantial support among the 168 other members but they could often help the majorities and show the right way. In answer to a question Sir John explained that the Bombay Trades Association, he believed, was the only body representing the retail-trade, the interests of which were not always the same as those of the whole-sale trade.

*Sardar Rao Bahadur Naik* asked whether the Cotton Association's representation was perforce by a European.

*Sir John* replied that it was a nominated seat. Major Ellis Jones had held it for about 6 years. His own argument was that having had 7 Europeans in the Council for many years he desired to have that figure maintained.

*The Chairman* then called upon *Sir Purshotamdas Thakurdas*, who enumerated the commerce seats of the present Council :—

- 2 Chamber of Commerce.
- 2 Millowners (Bombay and Ahmedabad).
- 1 Bombay Trades Association.
- 1 Indian Merchants' Chamber.
- 1 Karachi Chamber of Commerce.

Since the Karachi seat would disappear with the separation of Sind, the Europeans had no claim to that seat on the future Assembly. The extra seat which was prescribed for the latter should be filled by a representative of the Cotton interest.

*Sir John Abercrombie* declared that he laid no claim to the Karachi seat. He wanted four seats—three for the Chamber and one for the Bombay Trades Association.

*Sir Purshotamdas* continuing deprecated the mixing up of communal with commercial interests. The extra seat should go to the Cotton trade, the seat at present being nominated. He recalled that he himself had been the first nominee Sir Cusrow Wadia succeeded him whilst he (*Sir Purshotamdas*) went to Europe Major Ellis Jones having been nominated in 1923 or 1924.

It might be asked if the Cotton Trade was so important, why was it not given direct representation under the Montagu-Chelmsford Reforms? The answer was, that at the end of the War the cotton trade was under Government control, and there was no recognised one cotton association. Sir George Lloyd (now Lord Lloyd) therefore agreed to earmark one nominated seat for this purpose. Since then the Association has grown up.

*Sir Purshotamdas* continuing observed that the fact that both the European and Indian Chambers had offered to be God-father to the representation of the Cotton interest, by obtaining the extra seat and ear-marking it for cotton showed the importance of the latter. But why should the voice of cotton interest be heard through either Chamber? Could not it have its own elected representative, when the East India Cotton Association numbered about 400 members?

He therefore urged that the Commissioner's second report should stand.

*Sir J. Abercrombie* inquired whether the East India Cotton Association would ask for seats in e.g., the Central Provinces' Assembly?

*Sir Purshotamdas* declared that its desire for representation was confined to Bombay. The Indian Central Cotton Committee could look after other parts of India.

*Sir J. Abercrombie* asked whether *Sir Purshotamdas* had any objection to Major Ellis Jones as their representative.

*Sir Purshotamdas* replied no, but that the time for election had arrived.

Reverting to *Sir John's* suggestion that Indian Commerce could get a certain degree of representation through territorial Members, the operation of party politics may interfere with such Member's advocacy of commercial interests. A Commerce member must be commercial in outlook in the Assembly.

*Sir John Abercrombie* observed that in that case commerce might be considered as under-represented.

*Mr. Garrett* enquired whether the East India Cotton Association included in its membership both Europeans and Indians.

*Sir Purshotamdas*.—Yes.

*Mr. Garrett*.—But in practice a European would stand no chance of being elected its representative.

*Sir Purshotamdas* was doubtful of this. The Association had had European Vice-Chairman. But in this connection he observed that no Indian member has ever sat on the Committee of the Chamber of Commerce, or represented that body on any Committee or Commission, etc. This was perfectly understandable, as the majority of members were European.

*Sir J. Abercrombie* mentioned that *Sir Purshotamdas'* partner sat on the Cotton Sub-Committee of the Chamber of Commerce. But he once more laid stress on the fact that the Chamber of Commerce was in the best position to advise on every aspect of Commerce and Trade.

*Sir Purshotamdas* said they may give better information and advice from the British point of view, but the Indian Merchants' Chamber is better qualified to speak about Indian Trade and Commerce from the Indian point of view. Referring to the main question of distribution, both the British and Indian Chambers had claimed the extra seat; but that seat should go directly to the East India Cotton Association. He pointed out incidentally that the Bombay Trades Association was considered in Indian Commercial Circles as undeserving of direct representation. It was merely a city trademen's Association, with no contact with rural areas. The Grain and Seeds trade was much more worthy of representation.

*Sardar Rao Bahadur Naik* pointed out that Major Ellis Jones was elected to the Indian Central Cotton Committee by the E. I. Association as their representative for many years.

*Rao Bahadur Kale* inquired whether any Europeans of the Chamber of Commerce were domiciled in the country, having made it their home for themselves and their children.

*Sir J. Abercrombie* replied that many domiciled Europeans were members of the Chamber of Commerce.

*Rao Bahadur Kale* observed that the regrettable conflict of commercial interests would cease if more European merchants made India their real home. It was difficult for a predominantly Indian body to return as their representative a European who was really a bird of passage.

*Rao Bahadur Angadi* asked Sir Purshotamdas whether the E. I. C. Association represented the Cotton Growers.

*Sir Purshotamdas* said that for the last two years there had been 5 growers on the Board of Directors, consisting of 20 members. Cotton marketing, which is the main business of the Association, is the concern of growers. At present the Government of Bombay had delimited the powers of the Association and the growers' interests were safeguarded. To a question by *Sardar Rao Bahadur Naik* he observed that Growers and Middlemen and Consumers (Millowners) were all represented.

*Mr. Rahimtoola* asked whether Sir Purshotamdas was satisfied with only one seat for the Indian Merchants' Chamber.

*Sir Purshotamdas* replied that he would like more; but if only one was available it should go to the E. I. C. Association; but if the Bombay Trades Association were deprived of their seat it might go to the Indian Merchants' Chamber.

*Mr. Rahimtoola* observed that Cotton Growers were represented in the present Council by rural members: The millowners had two seats; why then did the E. I. C. Association need a representative? Why not give the seat to the Share Bazar?

*Sir Purshotamdas* reiterated the paramount importance of cotton marketing having a direct vote in the Bombay Council. The E. I. C. A. worked under a statute passed by the Bombay Council. The main export trade of cotton of India was through Bombay. The Share Bazar was the concern of investors with money to spare. Cotton marketing was a matter of life and death to the Cotton grower. This interest must have direct representation. He also added that the representation of Indian Trade really deserved to be increased.

*Khan Bahadur Abdul Latif* drew attention to the note underlying the Communal Award, and asked whether the Committee was debarred from discussion of it.

*The Chairman* said that the note merely indicated the expectation of His Majesty's Government, but though the Committee could not suggest, e.g., that the number of seats should be increased, it was competent to give its opinion as to the allocation of the Commerce and Industry seats.

*Mr. Garrett* pointed out that the table appended to the Commissioners' report was not part of that report, and was not therefore binding on the Committee.

*Khan Bahadur Abdul Latif* remarked that there did not seem to be much difference in opinion between Sir John Abercrombie and Sir Purshotamdas Thakurdas.

*Dr. Solanki* inquired from Sir J. Abercrombie whether he desired to strengthen the European group largely because the official bloc was being removed. After all, the representative of the Chamber of Commerce had often carried the House with him. The desirability of keeping available in the Assembly the experience and advice of European Commerce members had been recognised. But Mr. Humphrey, one of those members, spoke for Karachi: he would still do so, in the Sind Assembly.

*Sir J. Abercrombie*.—He often spoke for Bombay, and, in fact, on commerce interests generally.

*Dr. Solanki* drew attention to the way the relative claims of European and Indian Commerce were reflected in the present Council. Indian Commerce had one seat less.

*Sir Purshotamdas* pointed out that the cotton trade were getting a nominated seat; it would now naturally devolve on the E. I. C. Association as no other body can represent the trade.

*Sir J. Abercrombie* had nothing to add to his views as first expressed.

*Sardar Rao Bahadur Naik* laid stress on the pre-eminent position of the E. I. C. Association in regard to growers as well as the trade. He agreed with the Commissioners' final opinion. The note to the Communal Award did not debar the Committee from expressing its views as to the allocation of seats for Commerce. But the apprehensions of Sir J. Abercrombie that no European could hope to be elected from the E. I. C. Association was unduly pessimistic. He himself thought that the Indian Merchants' Chamber had a better claim to a second seat than the Bombay Trades Association to its one seat, but was not prepared to go into the matter in detail until he knew something more about the Bombay Trades Association.

*Sir J. Abercrombie* mentioned the fact that the firms in the Bombay Trades Association had an annual turn over of several crores of rupees.

*Rao Bahadur Angadi* inquired whether European interests would suffer if the number of their seats were reduced by one.

*Sir J. Abercrombie* said that the community wanted one more seat, so that they could produce several speakers on any issue—not only commercial—arising in the House, and thereby make themselves still more useful.

*Sir Purshotamdas Thakurdas* reiterated his view that it was essential to secure direct representation for the cotton interest: not through an electoral college, as *Rao Bahadur Kale* suggested; for to what section in it would the representative be faithful?

*Rao Bahadur Kale* maintained that a broad outlook was necessary among the members of the new Legislative bodies. Political parties must take the place of special interests: broad principles rather than communalism and commercialism.

*Sir Purshotamdas* said that so long as commercial and communal constituencies existed, so long must cotton be directly represented. With this view, *Rao Bahadur Kale* concurred, but wondered whether a seat might go to it conjointly with the Bombay Trades Association. *Sardar Rao Bahadur Naik* asked *Rao Bahadur Kale* to say what was common between the East India Cotton Association and the Bombay Trades Association the latter being a body of European retail traders.

*The Chairman* quoted the Franchise Committee's report on the evil of mixed constituencies.

*Rao Bahadur Kale* said that if room is to be made for other bodies that ask for representation, a combined electorate would be necessary.

*Sir J. Abercrombie* showed how the membership roll of various bodies varied not necessarily in direct relation to their importance. The Bombay Trades Association and the Chamber of Commerce had a small number of very big members, while the E. I. C. Association had a larger number of smaller members, who would be able to swamp them by their extra votes.

*The Chairman* observed that the allocation of commercial seats did appear to have a direct bearing on the Communal Award. The number of European general seats (three) seemed to have been arrived at on the assumption that a specific number of commerce seats would go to Europeans, otherwise it might have been increased. He also thought that it was really a fact that Indian Commerce could be represented in the Legislature through the territorial members to a much greater degree than European Commerce.

*Rao Bahadur Kale* put in another plea for recognizing common interests and desired that election to Commerce seats should be common.

*Khan Bahadur Abdul Latif* asked *Sir J. Abercrombie* how many members of the Chamber of Commerce dealt with cotton.

*Sir J. Abercrombie* said about 15, who were also members of the E. I. C. Association.



*Sir Purshotamdas* pointed out that if *Sir J. Abercrombie's* suggestion was adopted, the Cotton Trades representative would be elected by 15 voters, when there were about 400 members of the E. I. C. Association.

*Sir J. Abercrombie* explained that a number of millowners would also be added, as the bulk of the trade was handled by them.

*Sir Purshotamdas* continuing said that the two Chamber's alternative view meant that at best about 100 out of about 400 members of the E. I. C. Association would vote. Neither plan gave real representation for the cotton trade.

*The Chairman* summed up the general discussion. It was found that Messrs. Purshotamdas, Angadi, Navle, Naik, Abdul Latif, Garrett and Solanki supported the views of the Commissioners as finally expressed. *Sir John Abercrombie* wanted the distribution shown at page 125 of the "Materials" to stand: Mr. Hoosenali Rahimtoola wanted the Indian Merchants' Chamber to have the extra-seat. It was decided by a majority that the Commissioners' proposals should be accepted.

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#### THE EAST INDIA COTTON ASSOCIATION, LIMITED.

To,

C. W. A. TURNER, ESQ., C.S.I., I.C.S., CHIEF SECRETARY TO THE GOVERNMENT OF BOMBAY, POLITICAL AND REFORMS DEPARTMENT, COUNCIL HALL, POONA, No. 4864/AI/128, DATED THE 19TH AUGUST 1935.

SIR,

I have the honour to acknowledge and thank you for your letter No. R-319/III of the 15th instant together with its enclosure and to state that your letter with its enclosure have been placed before the Board of the East India Cotton Association Limited who have asked me to address you as follows :—

In this connection I am to refer you to the copy of the Press Note containing the views of the Government of Bombay on the recommendations of the Bombay Provincial Delimitation Committee and in particular to paragraph 11 thereof relating to Commerce and industry constituencies.

The paragraph referred to states that Government accept the recommendations of the Committee provided it is not considered to infringe the provisions of the Communal Award of His Majesty's Government. It would appear that the only change made in the recommendations from the arrangements in force hitherto is that the East India Cotton Association Limited has been made a constituency for the purpose of returning one member in substitution for the member previously returned by the Karachi Chamber of Commerce.

In the circumstances, my Board would be grateful if you could see your way to inform them whether in the view of the Government of Bombay, the change suggested is considered to infringe the provisions of the Communal Award. In this connection I am desired to mention that my Board are convinced that no infringement of the nature contemplated is created by this change. Should however the Government of Bombay feel any hesitation in accepting the view of the Board of this Association, my Board would be happy to submit a representation to the Government of Bombay on hearing from you.

In conclusion I am also directed to state that in resolving to address you in the foregoing terms my Board are desirous of having matters clarified at this stage so that there may be no room for difficulties later on.

My Board will deem it a favour if this letter may have an early reply so that anything required to be done by my Board may have their immediate attention.

40. Evidence of Sir Hormusji Mody and and Mr. T. Maloney  
representing the Bombay Millowners' Association.

*Bombay, dated the 10th December 1935.*

*The Chairman.*—You represent the Bombay Millowners' Association ?—  
(*Sir Hormusji Mody*). Yes.

*Q.*—We were told yesterday by the Indian Merchants' Chamber that they would like to be the sole chamber for representation of Indian commerce, and I asked them whether your association would welcome that suggestion. They said you would not. I gather that you wish to have separate representation.—So far as we are concerned or so far as the Indian Merchants' Chamber are concerned ?

*Q.*—So far as you are concerned.—Oh, yes.

*Q.*—It would not meet your views to be an affiliated association to the Indian Merchants' Chamber ?—Most definitely not.

*Q.*—Why not ?—We represent an entirely different interest, and we are the oldest, and I think, if I am not exaggerating, the most powerful association, in that we represent a very considerable interest in this country.

*Q.*—Are any of your members also members of the Indian Merchants' Chamber ?—Oh, yes ; there are some.

*Q.*—How many ?—About a dozen ; I would not like to say offhand. In any case, the two interests are entirely different. The Indian Merchants' Chamber represent purely commercial interests and we represent purely industrial interests. We are not merely a local body ; though we are located in Bombay, we are an all-India body ; we have a very wide membership in every conceivable centre of mill industry,—Cawnpore, Madras, Bangalore, Nagpur, Sholapur.

*Q.*—What about Ahmedabad ?—They represent the local interest.

*Q.*—Are they important interests ?—They have also a considerable stake in the industry, but their membership is confined to Ahmedabad.

*Q.*—Are any of their members also members of your association ?—No. Sir

*Q.*—They are quite distinct ?—Yes.

*Q.*—Are their interests different from yours ?—I would not say that their interests are different from ours, but it is quite conceivable that on occasions their view point may be different from ours.

*Q.*—They are competitive ?—As traders, yes.

*Q.*—Then, Bombay Millowners Association will have one seat and Ahmedabad Millowners' Association one seat ?—"Millowners' Association, Bombay" is the more correct title, because "Bombay Millowners' Association" would mean as if this association was confined to Bombay interests alone, which is not a fact.

*Q.*—What is the number of your membership ?—It has been fluctuating, but today I think it is 91.

*Q.*—Are they all British interests ?—Yes.

*Q.*—What is the method of election to the Millowners' Association, Bombay ? Do the committee do it or the members ?—An intending member has got to be proposed, seconded and then it has to be put up before the committee, and then the committee decides to admit them to ballot and a regular ballot takes place.

*Q.*—That is a ballot by all the members ?—Yes.

*Q.*—Do you have any prescription as to the size of the concern or number of employees or anything of that sort to justify membership ?—No, Sir, I suppose for one reason and a very good reason, that it has not been found necessary. Most of our members are large scale employers.

Q.—If a small concern came up, probably it would not be elected?—It would depend upon the view the committee would take. As a matter of fact, barring one ginning factory, all our members employ some thousands of labourers. (*Mr. Maloney*) We prescribe a minimum subscription of Rs. 100.

Q.—That keeps out the smaller?—Yes. Originally we had all kinds of subsidiary industries, such as ginning and pressing factories and even flour mills. All those have been cut out.—(*Sir Hormusji Mody*) There is only one ginning factory now; all the rest are either cotton mills or woollen mills.

Q.—This is not as regards your association but generally. We would like to have your views. Our committee have noticed that in the different provinces there are different kinds of chambers. Some are old established chambers but others are of recent growth. In some provinces there are no chambers at all, and we have to try and form a constituency for them. What we have in contemplation is to prescribe, where there is a chamber of commerce, as a qualification for the franchise, first membership of the chamber, and secondly, in the case of registered companies a paid up capital of Rs. 1,00,000, and in the case of an individual, firm or partnership, assessment to income tax on the average of the past 3 or 5 years, on an income of Rs. 10,000 a year. That would confine the electorate to what you would call a substantial class and avoid the risk of a constituency being flooded by a lot of small firms just before an election. We cannot interfere with the memorandum of association; we cannot say "Embody that a payment of Rs. 100 subscription is essential". It does seem that there is a risk just before an election, especially in the case of those chambers which recognise members of affiliated chambers, of the electorate being flooded with comparatively small people who really are not in a position to elect an expert. That is what is wanted—really an expert. Its function is not democratic representation. We should like to have your view as to whether that suggestion is proper?—I regard it as a sound principle but there might be difficulties in working it in practice in places outside the presidency towns, because the qualification which you seek to lay down, namely, assessment to income tax on an income of Rs. 10,000, would be satisfied by very few people possibly, and there might be a danger of the electorate becoming a very narrow electorate.

Q.—In particular areas, say Assam or Orissa, we can make it Rs. 50,000 paid up capital, or assessment to income tax on an income of Rs. 5,000. But for general purposes, where there is a respectable chamber of commerce, would you regard the figure which we suggest to be too high? My own feeling is that even in the existing chambers, well established chambers, if you were to apply this minimum qualification, a few members would be disenfranchised.

Q.—Take the Bengal Chamber of Commerce, which is a well established chamber. They open their doors not only to what you would call captains of industry or big commercial houses, but to scientists like geologists. Presumably most of them may be men of substance, but in certain cases, they may be disqualified. But still, would you not fix a qualification?—(*Mr. Maloney*) There is a little point. Suppose a firm makes a loss for three years successively.

Q.—It is quite possible. Still you want some sort of limit to safeguard yourselves?—Though some are very big, the losses would rule them out.

Q.—What is the subscription of your members?—(*Sir Hormusji Mody*) The average is nearly Rs. 1,000 per member; there are mills which pay up to Rs. 6,000.

Q.—What is it based on? Turnover?—No; on spindleage and looms in mills and block account in dyeing and bleaching.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—In regard to the members of your association, would there be disenfranchisement?—Yes; most of our mills have been making losses for the last few years.

Q.—You think substantial people will fail to fulfil this qualification and be unjustly disenfranchised?—Yes; that is so, supposing you apply that qualification to us. As a matter of fact, we can produce our audited balance sheets from year to year.

*The Chairman.*—Have you not got a paid up capital? — The capital in the block account would run up to 39 crores.

*Q.*—You can come in as an elector on the strength of your paid up capital.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—If you are a registered company. Are all your members registered companies? Some are not, I suppose?—*(Mr. Maloney)* Yes. *(Sir Hormusji Mody)* May I suggest to the committee, if they do not mind it that it would be very useful if they could ascertain by an enquiry as to how many members of the existing organisations would be disenfranchised by a provision of this character. I have an idea—I am speaking without the book—I am afraid that a good few in various existing organisations would find it difficult to fulfil the requirements laid down.

*Q.*—They are substantial businessmen?—They might turn out to be important business people. There are so many petty trades. A man who may be engaged in one may be an important person from many points of view but may not be that man of substance which you contemplate.

*Q.*—Are there any bodies affiliated to your Chamber?— No.

*Q.*—In your case, the complication does not arise. Supposing that for the purpose of forming an electorate, two chambers are combined. It is possible that one of them may take in almost all kinds of people as members just to swamp the electorate. In such a case what would be your suggestion? I quite see that in the case of a single chamber, we may probably leave it to its good sense to admit such members as it chooses. What is the safeguard you suggest in the case of an electorate of two chambers?—The only real safeguard would be election by rotation. There would be no other safeguard which could be said to operate definitely, because each will try to scramble for membership.

*The Hon'ble Mr. Justice Din Muhammad.*—If there are 15 affiliated chambers, how will you introduce rotation?

*The Chairman.*—Madras has 22 affiliated chambers. Rotation is very unsatisfactory; do you not think so? I admit it, but I cannot conceive of any other safeguard which will be fool-proof.—It would be very difficult to prevent by any sort of rule one chamber trying to attract large number of members in order to ensure the retention of the seat for itself.

*Q.*—You are an expert; you may give us some idea?—It is extremely difficult. There is another difficulty. You may try to get over it by laying down that there should be a particular qualification, which would mean that indiscriminate membership would not be possible. But then you will have to consider the local circumstances; the membership which you lay down for both chambers may be all right for one area but not for another area.

*Q.*—Supposing we decide not to give you one seat exclusively, but to give it to yourself and the Ahmedabad Millowners' Association. The temptation on the part of each of you to increase the membership will be great. Do you not think that in such a case it will be desirable to have a uniform standard for both the chambers?—You will have to put down the minimum qualification at a fairly low figure in order to see that no hardship is inflicted. For instance, in the case of the associations you have taken as an example, our mills are larger than the Ahmedabad mills. Supposing you lay down a size which you think is quite reasonable for Bombay it will not be reasonable as regards Ahmedabad. I am just citing this as an example.

*Q.*—There are some chambers of commerce which have affiliated bodies. In such cases, how would you arrange the electorate? The difficulty occurs in this way. Each member of the parent body get one vote, each affiliated body

also get only one vote. What would you suggest?—I certainly would not suggest that the affiliated bodies should also have as many votes as they have members. That is absolutely unworkable and quite impossible. As a matter of fact, it might so happen that the affiliated bodies would swamp the parent body.

*The Hon'ble Mr. Justice Din Muhammad.*—That is our apprehension too?—So, I would lay down a maximum number of votes for each of these affiliated bodies.

*Q.*—How would you fix the number? Are we to leave it to the parent chamber, or are we to make a recommendation as regards this?—In a matter like that you will have to leave it to the parent chamber, but you will have to lay down some safeguards that the parent body does not give an extravagant number of seats to any affiliated body.

*The Chairman.*—That is altering the memorandum of association of the chamber?—You only lay down the number of votes that the affiliated body should have.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—How are you to assess the relative importance of these affiliated bodies?—Without trenching upon their province too much, you cannot do anything except to lay down—this is just a rough idea of mine—that no affiliated body shall have, say, more than 10 votes. If there were 20 bodies, they would have 200 votes, which is just the number that the parent body can stand.

*Q.*—In the case of a dispute between an affiliated body and the parent body, who is to decide that?—I thought you were dealing with a chamber which has got various associations affiliated to it. If that is so, I have not followed you.

*Q.*—Take the Indian Merchants' Chamber of Bombay. They have a number of chambers affiliated to them. The membership of the central body is, say, 200. There is no uniform system prevailing as regards voting power. Each member of the central body has got one vote. What is to be the position of the affiliated bodies? Should they have one member on the central body, or a number of members?—That is a matter in which no outside body can prescribe for the affiliated bodies. It should be for each affiliated body to determine. If you lay down the maximum of 10 votes for an affiliated body, it is for that body to determine how those 10 votes should be cast. I do not think—if I may say so with great respect—that anybody can determine that with any degree of satisfaction. I happen to be the president of an all-India body of employers, the Employers' Federation of India, and we have got as our members all the leading industrial organizations in the country—millowners, sugar producers, mine owners, planters, jute millowners—and we have a very large membership. The number of people whom our members employ is almost 80 per cent. of the organised labour force in this country. We lay down a subscription, and voting depends on the subscription, and the subscription depends upon the number of employees of each organisation. That is how we do it in our own federation.

*The Hon'ble Mr. Justice Din Muhammad.*—For how many employees do you give one vote?—We have reduced the qualification and we have brought it down to 2,000 employees for one vote.

*The Chairman.*—I suppose the remuneration of the employees varies very much too?—Yes.

*Q.*—So that, the wages bill is not a good criterion?—No; it would not be a good criterion.

*Q.*—That is a very great difficulty. You will see that it is quite possible that these affiliated chambers might upset an election altogether unless there is some kind of restriction?—If it was laid down that each affiliated body had as many votes as it had members, yes.

Q.—In one province they had a large number of small chambers, what we might call district chambers, and they were to be affiliated to the central chamber at the headquarters. It was suggested that every member of the affiliated association should be treated as a member of the parent body?—My personal opinion would be definitely against it, although it is no concern of mine.

Q.—What would you do against that?—You might lay down a minimum subscription, which would keep away a lot of people.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—If the subscription for membership of the parent body is Rs. 10 a month and that of the affiliated association is Re. 1 a month. The latter will have a large membership and thus swamp the electorate. The membership rules vary so widely for the various affiliated bodies that it is difficult to attempt any uniform rule—If the minimum subscription of the parent body is kept sufficiently high, it will prevent the affiliated bodies from swamping it. In the case of affiliated associations, it is necessary to lay down a maximum number of votes which an affiliated association can command. Otherwise it will be quite impossible to put up a workable scheme for representation of commercial interests in a particular area.

*The Chairman.*—In one of those affiliated associations there may be a difference of opinion as between members with regard to the policy, tariffs and so on, in which case it could not be said that all the members of the Association spoke with one voice?—They may be in entirely opposite camps. It may conceivably happen.

Q.—You see the advantage of taking an Association like yourselves is that whoever represents your association is under the control of your committee. He is not there on his own but he is there to give expression to the views of his association and he comes as an expert with the authority of your association behind him. Directly we say that that association may have several affiliated associations or you regard him as representing other associations as well, that direct responsibility goes?—Yes.

Q.—That is another trouble. Supposing we were to entertain the idea that the Indian Merchants' Association would be a fitting and proper Chamber to represent those other associations like the Ahmedabad Millowners' Association or other associations, you see that its representative character must cease at once?—Yes, it must. It won't work at all.

Q.—Could you give us any suggestions about how to overcome that difficulty?—If you were to ask me a specific question directed to a particular problem which is engaging our attention, perhaps I may be able to say something. All these years no difficulty has presented itself with regard to the working of representation of commercial and industrial interests. The only thing that has happened is that there has been a scramble of the sort which occurs when there is a committee for additional representation or for taking away representation from somebody else and taking it for yourself, but no difficulty in actual working up to the present day. Take the instance of the Indian Merchants' Chamber of Bombay. I am a member of that Chamber and was at one time its President. I know that they have got a large number of affiliated associations. The Indian Merchants' Chamber has enjoyed representation on the Legislative Council and the Legislative Assembly and so far as I am aware, there has been no difficulty about its securing the right sort of representation.

*The Hon'ble Mr. Justice Vankatasubba Rao.*—Take the instance of the Indian Merchants Chamber which you quoted just now. It is going to get, say, a seat. Who are going to constitute the electorate?—The actual members of the Indian Merchants' Chamber and the affiliated associations which are also members and which enjoy the right in their capacity of members, and no more.

Q.—An association will be equal to one individual member, so far as the voting power concerned?—That is the present position.

*Q.*—You think it is satisfactory?—It has worked all right, and I am not aware of any dissatisfaction.

*Q.*—One important affiliated association. We say “No. You get merged in the Indian Merchants’ Chamber and thus get representation.” Merging in the Indian Merchants’ Chamber, it can cast only one vote out of 400. How would you meet that difficulty?—If that particular association you are speaking of represents some very important and separate interests which are not adequately represented by the Indian Merchants’ Chamber, then the obvious course for the Association is to see that every member of it gets a vote also by becoming a member in his own right in the Indian Merchants’ Chamber.

*The Chairman.*—But the Indian Merchants’ Chamber may not wish to elect them. Take the Marwadi. Of course, we know nothing of this association, and there is the Marwadi Chamber of Commerce, Ltd. What about them? Are they affiliated to the Indian Merchants’ Chamber?—I could not definitely say. I think they are but I am not sure.

*Q.*—The Marwadi has Mr. Dixit as Secretary and there is the Marwadi Chamber of Commerce. That is in Calcutta?—There are the usual tests namely, the number of members, what the annual subscription is, what amount of work is done during the year. These are the tests which may be applied to the association, if any claims are made by any particular body, with a view to determine whether that body has established a claim for separate representation.

*Q.*—Supposing they all say “Give us separate representation,” there are not enough seats to go round. That is obvious, but can we not say, as we had to do in one place, that they must be recognised as affiliated?—Yes, that they are affiliated at the moment.

*Q.*—I do not see how, from the point of view of franchise and restrictions on the electorate, we can do more than say that what we want is that the person who exercises the vote—particularly he who comes in as representing an affiliated society or association—should be a man of some position and substance. It is of course understandable that a man may have lost for two or three years and is not quite as big and substantial a firm as when he had a right to be represented. But that seems to me to be the only security which you have got against flooding of any particular constituency by the members of the affiliated Chambers?—If a reasonably high subscription was fixed, that would be one safeguard.

*Q.*—We cannot do that. That is a matter for the Association’s memorandum of agreement. We cannot do that.

*The Hon’ble Mr. Justice Venkatasubba Rao.*—Supposing the proposal you now suggest is accepted, i.e., the members of the central body and of the affiliated body, who satisfy certain requirements, will have the franchise?—You will have to lay down some uniform qualifications for members of the parent body as well as for the affiliated bodies.

*Q.*—It comes to that?—That would be impossible. Many of these affiliated bodies may be bodies composed of petty traders and the like representing several lines, who group themselves together in order to safeguard particular interests which in the aggregate may be important but which represented in individual persons would be very unimportant. If you were to lay down some way of securing them membership of the Indian Merchants’ Chamber as well as of any one of its associations which represent petty lines of trade, it would be impossible. Some alternative tests would also be necessary I think.

*The Chairman.*—It is very difficult for us or indeed for any committee to assess the weight to be given to a particular Chamber. It is practically impossible?—I am afraid that is so.

*Q.*—I do not know any case in this province but in Madras there are 22 of them and some of them are of very recent growth. They may expand or they may become moribund. Who is to say that they ought to be recognised in future?—The problem in Bombay is very simple. All those bodies which are now enjoying representation in the local Legislature as well as in the Central Legislature are all of them very important bodies.

*Q.*—It is quite different in Madras and in Bengal. There it is well established and recognised. The problem does not occur here but in the rest of India, it occurs. We come to big centres in the hopes of getting suggestions. It is a very troublesome problem?—You do not regard with favour the suggestion I made that affiliated bodies should enjoy a certain amount of representation on parent body but not exceeding a certain figure?

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Who is to decide it? Take the case of any affiliated body?—Suppose the parent chamber's membership is, say, 1,000 and there are 20 bodies which are affiliated to the parent chamber. If you were to lay down a maximum representation of 10 for each of these, you would secure full and substantial representation of the affiliated bodies.

*The Chairman.*—Who is to decide whether those 10 votes are going to the affiliated association?—That is for the affiliated association. They must frame rules for the purpose both of selecting their representatives and of voting.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—If the parent association has to make rules by which the affiliated association must be bound, what will happen is that the parent association will say which of the affiliated associations shall have one vote or ten votes or five votes. Is it not?—That is so.

*Q.*—When the affiliated association comes in, it is supposed to agree to these rules?—Of course, their only remedy would be the constitutional way of agitating in annual meetings for the change of rules. (*Mr. Maloney*) Surely, it would be very easy if the body had its votes allocated according to the subscription, proportionate subscription paid by the affiliated body—the total income.

*Q.*—What is the subscription in regard to affiliated bodies and in regard to individual members? How do you regulate your subscriptions?

*The Chairman.*—I think there is a lump sum fixed. They do not pay more than Rs. 30. Each one has to pay Rs. 50 I think in the case of the Indian Merchants' Chamber.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—If there is a variation, the parent body should have power to say that there should be no such variation in the subscriptions of affiliated bodies. (*Sir Hormusji Mody*) Individual members and affiliated bodies pay different subscriptions, but I do not know, as between affiliated bodies, whether there are varying rates of subscription. I do not think so.

*Q.*—If the parent body leaves it to the affiliated associations to fix the rates of subscription, then the higher the subscription the greater the importance. That would be one way of determining the question. If there is not what I may call, a sliding scale, it is impossible to take that as a criterion.

*The Chairman.*—We have got the question of candidates.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—The object of giving representation is that the representative, who is elected, is responsible to his body and represents collective opinion as it were in the legislature. If all the affiliated bodies and the central body—members of these various bodies—will have a vote on some criterion, then his representative character is taken away. Is it not?—If you so arrange matters that the affiliated bodies between themselves have a vote which is larger than that of the rest of the individual members, yes, but that I do not regard as a contingency which one may fear for the simple reason that under the idea that I am suggesting you first fix down the maximum number. The parent body would regard that as a recommendation and they would



regulate their internal affairs in such a way that they do not allow their representative character to be swamped by those affiliated bodies. If they lay down 10 as the maximum which an affiliated association may elect for the purpose of various matters to the parent body, that does not mean that the parent body is going to admit all the ten. It may lay down a rule to restrict even that number.

*Q.*—Now the other rule that the right of the members of the affiliated body should be equal to that of the members of the central body. Supposing a certain standard is laid down to regard to payment of income tax, capital, etc., all will have an equal voice and the representative character of the candidate that is returned is gone.

*The Chairman.*—It is bound to?—That is to say, it would depend on whether you allow the tail to wag the dog.

*Q.*—There may be a case where there is no dog there. You may get a representative of commerce and industry and there is no trade in the province, none that you recognise?—I see the difficulty with regard to it.

*Q.*—Take the case of a parent association with these affiliated associations and our suggested prescription which would allow any member of the affiliated association to vote in an election. They come on the electoral roll provided the firm had paid the income tax or assessment. That would allow those people to stand as candidates, those who come on the electoral roll. That would upset the whole business of the Chamber?—I would regard that as a fatal defect in the scheme. A qualification which would enable one affiliated chamber to have a much larger membership in actual practice than the rest of the affiliated chambers, I would regard as a fatal defect.

*Q.*—There are Chambers A, B, C and D. Chamber A has on its rolls 35 people of substance, of which 10 have paid up capital of one lakh or more and 25 individuals who have been assessed in the past three years to an income of Rs. 10,000. Chamber B has only 7. Chamber C has perhaps 9. Do you see nothing very objectionable in that? Those people by vote will be affiliated to the parent chamber and would be placed on the electoral roll and they would be able to have a vote just as a member of the parent chamber to have a vote?—Not each member of the affiliated association.

*Q.*—Only those that fulfil that qualification?—The parent body is in danger of losing its original character.

*Q.*—It is just possible?—I think the Indian Merchants' Chamber would be able to supply figures you want, but if a minimum qualification was laid down for each member, whether he was an individual member of the Chamber or whether he belonged to an association which was an affiliated member of the Chamber, then it is very conceivable that members of the affiliated chamber would very considerably swamp the original parent chamber.

*Q.*—They might. About the candidate, the candidate has to be on the electoral roll in that constituency. If these affiliated chambers thought of coming in, the member of those who comply with the rules would only be eligible to stand as candidates. I can conceive of a situation arising by which the members of the parent association would be swamped by the members of the affiliated association.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Take the Indian Merchants' Chamber of Bombay, I do not know what its rules are, but if the rule is that each member of the association has a vote and each affiliated body has got a vote. We do not disturb that arrangement. In regard to candidates what would be the qualification you would prescribe?—Membership of the Chamber. That is all.

*Q.*—Would you restrict it only to the parent chamber or extend it to every member either of the parent chamber or affiliated chamber?—I am afraid I have not applied my mind to that.

*Q.*—Would it not be just?—Speaking generally, he must be a member of the chamber. He cannot by merely possessing the qualification of membership of an affiliated chamber *ipso facto* become a member of the other for all practical purposes.

*Q.*—Even if that man is a substantial member of the affiliated body, in which case he can become a member of the central body and thus qualify himself for candidature?—That is what I have all along been urging namely, that particular chambers or bodies, which regard themselves of sufficient importance and who think that their interests require to be particularly taken care of, have this obvious remedy that they can become members themselves.

*The Chairman.*—I think it is only the parent association that can provide an opportunity to a candidate. Then if any of those people stand as candidates, it is up to them to join the parent association?—In the Federation of the Indian Chambers of Commerce, which is the federation of all the various Indian chambers, a very anomalous situation has arisen in the last few years. The Indian Merchants' Chamber was really, if I may say so, the parent of commercial representation of Indians in this country. It enjoys no more representation on the Federation of the Indian Chambers than anybody which may have been constituted overnight which can call itself an association under the rules of the Federation. The Indian Merchants' Chamber can only send in 4 representatives just as any other association which may have come into existence.

*Q.*—What is the criterion for deciding who may join the Federation?—Anybody can form an association and then go on to apply for membership of the Federation. If it is an association which has been registered, the Federation admits it as a body, it gets the same representation as any of the important bodies.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—What tho other members of the Federation call "privileges"?—That is what I understand. I would like the Committee to find out.

*The Chairman.*—Suppose the Tuticorin Chamber of Commerce applies for admission to the Federal Association?—If they comply with the rules, they can come in.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—We will stick to the Indian Merchants' Chamber of Bombay?—I know of some absurdities which have arisen in this connection. Very very small bodies which have become members are claiming equal representation with much larger and much older bodies.

*The Chairman.*—You are having trouble there. What is the reason? You say it may come in future?—It has nothing to do with the Millowners' Association, but I mean this is a situation which has arisen in so far as the Federation is concerned. At least that was the case a few years ago when I interested myself in the matter.

*Q.*—What is the situation in the Associated Chambers of Commerce?—I suppose the situation in the Associated Chambers must be the same, but I am not sure. It is certainly a point worth inquiring into, I mean so far as the Federation of the Indian Chambers is concerned, as to the rights, of individual members and how they admit people to its membership.

*Q.*—Where are the headquarters?—They are generally with the President.

*Q.*—Suppose we want to write and inquire, whom do we address?—The present President is Mr. Padampat of Cawnpore. I am quite sure you have not got to go as far as that. The Indian Merchants' Chamber of Bombay will be able to supply you with all the information about the Federated Chambers.

*Q.*—We can write and inquire what the rules of the Federation of Indian Chambers of Commerce and Industries are.

*The Hon'ble Mr. Justice Din Muhammad.*—We can get the information from Mr. Manu Subedar.

*The Chairman.*—You see all these difficulties arise and you have got to get for each province a certain number of constituencies for the representation of

commerce to provide experts ?—If I may venture an opinion, I really think that the Committee might look into the matter from another point of view. It is quite true that its task is very difficult in the face of so many claimants. What the Committee has got to consider is whether it is going to reopen the question of the representation of important bodies and if those important bodies are sufficiently representative. If there are rival claimants in the field, their remedy is obvious and they can soon be members of the parent body and so secure some sort of control over its deliberations and over its election procedure. When you have satisfied yourselves that you have granted representation to the right bodies, if other bodies are left out, the only possible way in which that can be set right is for these bodies which are left out to try and secure some sort of influence and control.

*Q.*—By joining as members ?—Yes. After all, in this imperfect world it is quite impossible to satisfy all.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—There may be no difficulty, if one chamber gets the seat, but if there are two bodies equally qualified, either this must be left out or the other must be left out, but if the two combine the representative character of the member is gone ?—Does either of them enjoy representation or not ?

*Q.*—I do not wish to answer that question. How would you solve it ?—One element in the consideration of this question definitely is whether a particular body has enjoyed representation and if he has, whether any case has arisen for taking it away.

*Q.*—Suppose there are two bodies equally well or equally ill qualified. The body which is enjoying representation manages to exclude members of the other body. There the difficulty arises ?—Representation by rotation would be good thing. As a matter of fact, in spite of the new proposals which, are now before Government and before the Delimitation Committee, we only enjoy, by turn representations with Ahmedabad so far as the Central Legislature is concerned in spite of the fact that we represent very very important interests.

*The Chairman.*—Why not a combined seat as it is today in the Legislative Assembly ?—That is the only possible solution. It is not a hypothetical case. Two bodies equally important.....

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Equally blameworthy—using a mild expression. It is difficult for any tribunal to decide whether the one is more important than the other.....

*The Chairman.*—It is very unsatisfactory ?—Could you possibly think of any other arrangement which will be less unsatisfactory ? After all they are equally important bodies. If you decide to give representation to only one you will not be giving representation to the other which is more unsatisfactory.

*Q.*—You say give it by rotation. The man who is elected knows very well that he will not be elected for the next session ?—It is the sense of responsibility to his own constituency because he represents that.

*Q.*—He is not going to stand again for the election. That is the great criticism against rotation ?—It does not happen in all cases.

*The Hon'ble Mr. Justice Din Muhammad.*—Why can you not combine with the Ahmedabad Millowners' Association ?—Because we are an all-India body while they represent only local interests. (*Mr. Maloney*) Their association is not anything like ours. Our subscription is ten times more.

*The Hon'ble Mr. Justice Din Muhammad.*—Do you think that their stake is so large that they should get a representation in the Central Assembly?—They are an important body in the second city in the presidency and they ought to get representation. My criteria are the amount of subscription, the character of the work done and the extent of membership, and I would apply these to any association.

*The Chairman.*—I am now talking of your three seats in the Federal Assembly, one should go to the Bombay Chamber of Commerce, one to the Indian Merchants' Chamber and one to you in rotation. We do not like rotation. Suppose we give two seats to the Indian Merchants' Chamber will it not do?—In that case I am afraid whether the interests of the Millowners' Association will at all be represented in the Central legislature. I have always laid insistence on the essential difference between commercial and industrial interests. There is substantial difference. I cannot conceive of any other arrangement but to allow to us the seat which we have enjoyed all these years.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—You get a seat in rotation with the Ahmedabad Millowners' Association?—I am not satisfied with that. For a number of years, personally and as president of the Millowners' Association which I was for a number of years, I have been pressing for a continuous representation of the Bombay Millowners' Association, on the Central Legislature I have pointed out the character of the work done by the Association in the course of its six years' history. We have got the testimony of all those people who have had occasion to judge the work we have done. I have pointed out that we have enormous stake in the country. The amount of capital sunk is 39 crores and that industry is represented by my association. It has an all-India membership. In view of these considerations, we should have a continuous representation. The Ahmedabad Millowners' Association should enjoy its own representation and we should enjoy our representation. It is a great disappointment to us that the authorities, whoever it may be, have not thought fit to concede that representation to us, in spite of the fact that the Legislature has been considerably enlarged. I am not at all satisfied.

*The Hon'ble Mr. Justice Din Muhammad.*—Are all members of the Millowners' Association members of the Indian Merchants' Chamber?—No, Sir.

*Q.*—I find the names of Sir Cowasji Jehangir, Sir Chunilal Mehta, and others among their members?—They are there in their personal capacity. There are nine members of the Association who are members of that body. Can any other body except the Millowners' Association adequately voice the view point of the industry as my Association has done? We have dealt with tariff question, labour legislation and so on. I have to refer you, Sir, to the volumes of our annual reports. A cursory perusal, a glance at those volumes, will show the extent of interest we represent and the multiplicity of work we have done in the past. We have to spend a large amount every year for propaganda.

*Q.*—Indian Merchants' Chamber represents commerce and you represent the industry?—Yes. We have got 50 to 60 members in our association, whereas the Indian Merchants' Chamber has got a membership of 700 or 800. If they decide to affiliate other associations also, can you conceive of controlling that body? I am rather perturbed by the question.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—That does not seriously airse.

*The Chairman.*—It is stated in the schedule in regard to what they call non-provincial seats—one for the Indian Merchants' Chamber, one for the Bombay Chamber and so on—the voting should be in 'such manner as may be prescribed'. Can you give us any idea of the manner?—How they should send their representatives? That must be left to the constitution to decide.

*Q.*—Is it open to us to give weightage to put it on the subscription basis?—It must be so.

*Q.*—Then, it comes to this. Then, Tuticorin will have the same vote value as your association?—It is the funeral of the federation. If they choose to arrange the matter in such a way that a petty member enjoying no influence and situate in a corner of India should enjoy the same sort of influence as a leading commercial body in Bombay, it will be the funeral of the federation.

*Q.*—Can you suggest any other way?—It is a matter for the individual body concerned to decide. If you lay down any qualification, then you will really be making the constitution.

*The Hon'ble Mr. Justice Din Muhammad.*—We will not be interfering with their internal administration. We will merely lay down a qualification as to how they will exercise their right to send a member to the Federal Assembly?—I would not like to say anything on the point. I have pointed out the anomaly of two bodies which are dissimilar in their status enjoying the same sort of influence.

*The Chairman.*—Quite apart from interfering with the internal administration, could it be possible to prescribe some method of voting? There will be great difficulty?—Our own membership is based on relative importance the number of spindles, the number of looms and so on. The subscription is based on that. There is one point which we have mentioned in the written statement and which we have not mentioned before you. We feel very strongly that the present system of voting is not sufficiently representative and it does not give every member an opportunity to exercise his vote. At any rate, so far as the Central Legislature is concerned voting by post must be allowed. What happens now is that members outside the Presidency, say like Cawnpore, are not able to come to Bombay in order to vote.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—It may be argued that it is not necessary for members outside the Bombay Presidency to come to Bombay to voting for the provincial legislature?—My submission is that both for the provincial as well as the Central Legislature each member must find it possible to vote.

*The Chairman.*—That will be provided by Government rules. Our recommendation will be the subject matter of Order in Council which will have the force of an Act of Parliament?—Then you would not make a recommendation.

*Q.*—In all these commercial constituencies, it will be the Government returning officer, Government presiding officer and Government registering officer. It will be for all. As regards Provincial Legislative Assembly, your headquarters are in Bombay. So, they will have to vote in person.—Even in Bombay, there are members outside the city like Sholapur.....

*The Hon'ble Mr. Justice Venkatasubba Rao.*—You said your membership was all over India. What difference does it make whether it is Provincial Legislature or Central Legislature?—Matters should be so adjusted that every member gets an opportunity to vote.

*The Chairman.*—We will make a recommendation. In some provinces, they have stated that the procedure of postal voting is unsatisfactory?—Our association is not a big electorate. Many of our members have entered the association in that capacity in entire appreciation of the work we have put in. They are scattered over Calcutta, Madras, Cawnpore and other places. They should not be deprived of this little opportunity of exercising their vote for returning a representative.

*Q.*—We will mention that point.

41. Evidence of Sir Purshotamdas Thakurdas, Kt., C.I.E., representing the East India Cotton Association.

*Bombay, dated the 10th December 1935.*

*The Chairman.*—You represent the East India Cotton Association?—Yes.

*Q.*—At present you have a seat in the Bombay Legislative Council by nomination. On account of the abolition of nomination, you claim the right of a seat to the Bombay Legislative Assembly by election?—Yes.

*Q.*—What is your membership?—393 at the end of September last.

*Q.*—Is it confined to Bombay Presidency?—It is confined to Bombay Presidency but there is nothing to prevent people from Madras and other provinces from becoming members.

*The Hon'ble Mr. Justice Din Muhammad.*—Have you any European members?—Yes: Europeans, both British and non-British, Japanese. But so far as the election to the Board is concerned, it is restricted to members of British nationality. For instance, if Ralli Bros. sends a member who is not a Britisher, he cannot act on the board.

*The Chairman.*—Is not Ralli Bros. a British firm?—Yes: they have become naturalised.

*Q.*—Suppose the representative of a Japanese firm is a British Indian. Can he stand as a candidate?—Yes: if he is a Britisher: not if he is a Japanese.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—For the membership of the Association?—For the directorship on the Board.

*Q.*—The Board of Directors is the executive body of the Association?—Yes.

*Q.*—As it were a non-Britisher gets a say in the decision of problems that arise in connection with your association?—We are concerned with better administration of cotton trade. So long as a firm has got vested interest in cotton trade, it is hard on them if we keep them out because of nationality. This is a remnant of the war period. Immediately the War broke out every non-Britisher was tabooed from any office in any place. It is still kept on and we feel we should not disturb it.

*Q.*—We are trying to find an electorate for the East India Cotton Association. We say that the returning officer will prepare the roll in regard to the voters of the East India Cotton Association. Would you like that that list should contain all the firms who are represented in your association by a Britisher or a British Indian?—I have not discussed this point with the Board, because I did not expect this question. If you want my personal opinion I shall give it. It should not be taken as the view of my association. My personal opinion is that they should be allowed to vote. They are paying tax. They have an interest. I am restricting my view only to the cotton trade.

*The Hon'ble Mr. Justice Din Muhammad.*—The provision here is: "No person shall be included in the electoral roll for any territorial constituency unless he is a British subject."—It is not a territorial constituency.

*Q.*—A British subject alone can be brought on the electoral roll to exercise his vote and to be able to stand as a candidate.—This is only a special electorate and not a territorial electorate. My personal opinion is that if they are allowed, they will do no harm, because the votes will be few. Otherwise they will feel that they are cut out.

*Q.*—Under the existing constitution, can you say that any chamber or commercial body is sending a non-Britisher as their representative?—I cannot tell you now definitely. Before the War, some of these European

firms were sending as their representative non-Britishers to the public bodies. I know there was one in the Port Trust. The distinction came after the outbreak of the War. Before that, there was no distinction.

*The Chairman.*—Is not Ralli Bros. a Greek firm?—They are naturalised British.

*The Hon'ble Mr. Justice Din Muhammad.*—Siemens is German. There are many foreign firms working here?—As far as the East India Cotton Association is concerned, I wonder if there are any non-British European firms in that. But I understand you are not concerned about its membership?

*The Chairman.*—We say, for instance, this is a special constituency, not a territorial one. Then foreigners can have a vote, but they cannot stand as candidates. Is that it?—Yes. They can just exercise their choice as regards the man to be returned. They can say whether a particular man is the fittest person to be returned.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—You would allow him to vote, but not to stand as a candidate?

*The Chairman.*—Now, take the case of Rallis. They are a British firm. They put forward their nominee. Would you accept him?—Take a Japanese firm. Do I understand the question to be as regards candidature?

*Q.*—Yes.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—A Japanese firm nominates an Indian or a Britisher as a representative. Would you allow him to stand as a candidate, say from your own Association, for the provincial or any legislature?—Personally, again, I may say, no. I would not allow their representative to be returned to the Assembly. But I would allow them to exercise their vote for the purpose of choosing the fittest man.

*Q.*—You say that by the exercise of that vote the result is not going to be affected much, but if you put him up as a candidate, his responsibility is increased?—Yes.

*Q.*—The point may be put this way: suppose we place no disqualification at all. So long as he is a British subject, he can stand as a candidate. It is for your body to determine whether such a man should be returned. We place no legal restriction on a person who happens to be a British Indian or a British subject, merely on the ground that he represents a foreign firm. Supposing we place no legal restriction, in practice it is for you to say that he shall not represent the cotton interests—the East India Cotton Association. I personally do not think that a man like that would be elected; and if you do not prescribe a legal bar, I do not think it will matter much. But if you did choose to prescribe a legal restriction, I do not think anybody could say that it was unfair.

*The Chairman.*—The question arises in Burma: they have got a lot of Chinese firms. Am I right in assuming that you would not feel that you got satisfactory representation if we gave, as we were asked to do yesterday, the seats to the Indian Merchants' Chamber? The Indian Merchants' Chamber representative said yesterday that it would be a very fitting body to receive all the seats, and that you people could obtain representation through them. What is your view about it?—Did they make that suggestion? I wish they had consulted our Association. I am sorry they made that suggestion without counting their hosts, so to say. I think it was very unfortunate for them to make that suggestion.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—It was not fair on their part to make a suggestion which they had not put in their written representation. We even pointed that out to them?—Much less did they give us an indication of it.

*Q.*—As a matter of fact, you would not support that view?—For neither Chamber—neither the Bombay Chamber of Commerce, nor the Indian Merchants' Chamber. I had suggested at the Delimitation Committee in Bombay and in the minutes which I sent you that I saw no reason why any of these bodies should propose to stand as godfather to the cotton trade. Why should we speak through them? They have got about 40 or 50 cotton firms, at the most, and we have 390—393, to be exact. Why should Government expect us to send a representative elected by 40 or 50 members, or, say, even 100, of the other body? It is rather cutting up the privileges of the cotton trade.

*The Chairman.*—What about the Federal Assembly? Have you anything to say?—I do not think we have aspired so far. Personally, I think that if anybody is going to be asked to send representative to the Federal Assembly, it should be the Indian Central Cotton Committee. It is an all-India cotton body.

*Q.*—Where is their headquarters?—Bombay. But then it is not run from Bombay; it is run by 36 people elected from all over India. The head office happens to be here because Bombay is the place where they have information and have all the details. It is a statutory body. Government of India have levied a cess on cotton through legislation—it brings in 6 lakhs of rupees a year.

*Q.*—Yes; lac has been taken up in the same way, because of the successful working of the principle in the case of cotton?—Yes. We do not aspire for the Central Legislature. If, however, cotton trade is to be represented there, it should be by the Indian Central Cotton Committee.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—In the Federal Assembly, one seat has been given to the Indian Merchants' Chamber, and another to the Bombay and the Ahmedabad Millowners' Associations in rotation. The Chairman wants to know if you can suggest any method by which this rotation can be dropped.—I am afraid I have not given any thought to that question. I really could not suggest anything satisfactory offhand.

*The Hon'ble Mr. Justice Din Muhammad.*—Are you a member of the Bombay Millowners' Association?—No.

*Q.*—Are you a member of the Ahmedabad Millowners' Association?—No.

*The Chairman.*—The two cannot be combined?—I have not been able to look at it from that point of view. That is all I can say.

*Q.*—Have you any affiliated chambers in the cotton trade?—There is no body which is affiliated to our Association. All cotton merchants. The subscription is Rs. 200.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—You are a member of the Indian Merchants' Chamber. Suppose we put a question which occurs again and again, not only in Bombay, but in every province. Now, the Indian Merchants' Chamber has a number of bodies affiliated to it. What is the relative importance which you would attach to the various affiliated bodies in regard to the franchise? Is each member-body to have the same vote, the same privilege, as an individual member of the central body?—Of course, this has nothing to do with my Board or my Association?

*Q.*—No, no. We only take advantage of your presence here to get some kind of information on this difficult point.

Here is the Indian Merchants' Chamber. There are 300 individual members. There are about 30 affiliated bodies. Each affiliated body, in its turn, has about 100 or 200 members. We understand that, for the purpose of electing a representative to one of the legislatures, each individual member and each body member casts one vote. We thought there was some kind of inequality in that method—an affiliated



body consisting of 100 or 200 members to be able to cast one vote only with an individual member. Naturally, we thought there was some kind of inequality. We want to know whether you can suggest any method by which a better system can be devised?—No; I do not know whether you have, in your examination of the various similar interests all over India, come across another body, and then several bodies affiliated to it.

*Q.*—Yes; that is our trouble, and we are trying to find a solution for it.—There is an association called the Federation of Indian Chambers of Commerce, where the members are only commercial bodies, not individuals. That is a clear cut division.

*The Chairman.*—One body may be an old established one; another may be one of mushroom growth. Does each get one vote?—They do not admit bodies of mushroom growth. They insist on their members being of 5 or 10 years' standing.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—A recently established firm would get the same privileges as an old one?—Yes; you cannot differentiate there. Has the Indian Merchants' Chamber suggested anything about it?

*Q.*—We asked Sir Hormusji, but we are not satisfied with his solution; so we thought we might ask you?—The idea is to equalise the weight of the individual *vis-a-vis* the commercial body so far as their voting strength goes?

*Q.*—That is all.

*The Chairman.*—I can give you an instance. Down in Madras, I think I am right in saying that there are 22 chambers and associations of varying importance. You have here the Indian Merchants' Chamber. We can take one chamber and say that it is the parent body. Now, there are other bodies affiliated to it. There are, say, 100 individual members of the parent body. What is to be done about the affiliated associations? Are all the members of the Association to come in *ipso facto* for the purpose of the electorate, with equal power of voting?

*The Hon'ble Mr. Justice Venkatasubba Rao.*—I will give you one or two alternatives. There are 25 affiliated bodies. If all the members of the affiliated bodies should enjoy equal privileges with the members of the parent body, the affiliated bodies may swamp the parent body. That is one extreme view. If each body should have only one vote, then important associations may not get proper recognition. That is the other extreme view. Between these two extremes, we want to find out if you can suggest any method. Some people suggested: let some system be devised by which each affiliated body is assessed and is allowed a particular number of votes. Who is to assess and how? That is the question.—It would be extraordinarily complicated, because a body may today command weight and considerable membership, and within a few years another body may develop. There will have to be somebody to check this from time to time and change the order of importance.

*The Chairman.*—Or we should have to put another load on the Governor's back and say that the Governor should have discretion to decide it. I think that is not satisfactory. As you know, the Whitley Commission suggested that there should be a tribunal to assess the weightage of trade unions. It might be something like that—May I ask you if the witnesses who appeared before you on behalf of the Indian Merchants' Chamber indicated, either orally or in writing, their mind as regards this?

*The Hon'ble Mr. Justice Venkatasubba Rao.*—I do not think so; I do not think anybody was able to give a satisfactory answer.

*The Chairman.*—They were all too much occupied claiming another seat for themselves.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—The danger of concentrating on one chamber is that it will create a sort of monopoly. The central body

may not treat the affiliated bodies generously. The difficulty arises in this case because they are not all well organised?—I am afraid I myself want time to consider the question. I do not know, but if the Chamber has written to you on the subject, perhaps we may discuss it together. I am one of the past presidents of it, and am on the committee of the Chamber.

*The Chairman.*—We shall be glad to get any suggestions from you?—It is more for them to suggest something feasible and which may satisfy you.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Take the South Indian Chamber, Madras. There are not 20 bodies in Madras which may get affiliated?—It is a little different here—I mean those bodies which are members of the Chamber. They are bodies dealing with particular trades, which are small compared to the bigger trades, but are important enough. Take for instance bodies dealing with groceries, gum, bangles, matches, and so on—they are comparatively small, but important by themselves. When this system was first introduced the idea was that the Indian Merchants' Chamber should be representative of all the various small trades which go to make up the trade of Bombay. It has now raised this question: is each association equal to an individual member as far as voting goes? I can understand that giving a considerable amount of trouble to the Committee. I think, however, that it is for the Chamber to put up something feasible.

*Q.*—Suppose we ask you to consider the matter and send us—a sort of memorandum which will be of use not only for this province, but all over India?—I shall be very glad to give all my thought to the question. But what I suggest further is, if you like, you may authorise me to speak to the President of the Chamber and ask him what his committee has to say about it.

*Q.*—I do not know the view of the Chairman, but I should ask you to consult a number of friends and give us your final view.

*The Chairman.*—We can have the conclusions of the body as well.—As it would affect the Chamber also, it would be courtesy to them if they also were requested to send in their views. I am quite agreeable to convey that message.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—There is another matter. It arose in some places. We find that it has become necessary to recognise two rival chambers of commerce for one seat. That is to say, we are not able to say which is predominantly superior to the other. In such a case, we find it necessary to give representation to both bodies. Supposing rotation is out of the question, what other system can you suggest? If we combine the two bodies, it may so happen that one body, in order to its membership, may admit all kinds of people. As a safeguard, we are going to suggest: let the members of the two bodies satisfy a particular qualification; they alone will be recognised as voters. For instance, those who have a certain amount of paid up capital, in the case of registered companies, and those that pay income-tax on a certain amount, in the case of individuals or firms. The difficulty in regard to that system is that the representative character is lost. When the two bodies are combined, the representative is not responsible either to the one or to the other. Can you give us your views on this point?—The advantage in combining is that it may ultimately lead to the two bodies being fused. That by itself is a good step. They will come together, although we may allow for a certain amount of local rivalry, and so on. This system will act as an agent bringing the two bodies together. In the beginning it may handicap them, but after, say, four or five years, they might say: let us put our heads together and act together. But I will think this over and let you know.

*The Chairman.*—It is rather a difficult question. It does not apply so much to Bombay or Calcutta as to other provinces. We had a case in the U. P., for instance.

*The Hon'ble Mr. Justice Din Muhammad.*—I want to know whether you know anything about the Maratha Chamber of Industries, Poona?—No. There is a Maharashtra Chamber of Commerce. It is in Bombay.

*Q.*—Marwari Chamber of Commerce?—Yes: I know of that.

*Q.*—It has been represented to us that none of the seven seats has been allotted to commerce and industry outside the city of Bombay, and that that would seriously affect the interests of commerce. Is it true?—The allotment made till now has not included anybody outside Bombay except the Ahmedabad Millowners' Association. That is correct.

*Q.*—Will it seriously affect commerce and industry?—The interests in Bombay are so representative of interests in the Presidency as a whole that, as soon as you take a seat away from Bombay and give it to one place outside it, you only minimise the representation and not increase it. Suppose you give one seat to Sholapur or Jalgaon or some other place; you will not increase the representation; you will decrease it.

*The Chairman.*—Can you not get into the Indian Merchants' Chamber organisations which have their headquarters outside the city?—Take the Maharashtra Chamber of Commerce. The very name suggests that it relates to Maharashtra, Deccan, that is the South. But that Association has found it necessary to have its headquarters in Bombay and not in Maharashtra.

*The Hon'ble Mr. Justice Din Muhammad.*—How is that Chamber represented now?—They have no representation; but they are affiliated to the Indian Merchants' Chamber.

*The Chairman.*—And get one vote, the same as everybody else—the same as an individual member or any other affiliated body?—Yes.

*The Hon'ble Mr. Justice Din Muhammad.*—Most of these mofussil chambers are affiliated to the Indian Merchants' Chamber?—Not most; but some.

*The Chairman.*—If you would make your suggestions on the points we have explained, we should be grateful, because it is a very difficult question.—I will do my best. But I am leaving Bombay today for Delhi, and I may not be able to take it in hand until the week-end.

*Q.*—Some time within ten days?—I wonder whether I am to infer, now that I have not been called upon to say anything further, that, as far as the Committee is concerned, our prayer is not in doubt in your mind.

*The Chairman.*—Thank you very much.

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### Bengal.

#### 42. Letter dated 2nd August 1935 from the Secretary, Indian Chamber of Commerce, Calcutta.

I beg to refer to the memorandum containing the provisional proposals of the Government of Bengal on the Delimitation of Constituencies in the Bengal Legislative Assembly and the Bengal Legislative Council under the Reformed Constitution. The Committee of the Indian Chamber of Commerce have learnt with great regret that in the provisional proposals made by the Government of Bengal for allocation of five Indian Commerce seats in the Bengal Legislative Assembly, the Indian Chamber of Commerce has not been given the right of returning even one representative. The Committee feel strongly that a very grave injustice has been done to the Indian Chamber in this matter by the Provincial Advisory Committee, as also by the Government of Bengal.

2. The Committee find from Volume II of the evidence tendered before the Provincial Advisory Committee that the chief considerations which have led the Provincial Advisory Committee to ignore the claims of the Indian Chamber of Commerce for the purposes of representation on the Bengal Legislative Assembly are (1)

that the Indian Chamber of Commerce is an all-India body, (2) that it consists largely of non-Bengalees and (3) that its opinion on a question like the additional import duty on salt, has been against representative opinion of Bengal on the subject. They therefore desire to make a few observations in respect thereof.

3. With regard to the first point about this Chamber being an all-India body considering only questions of an all-India character, I am to point out that such an impression is entirely erroneous. Mr. Nalini Ranjan Sarkar, who represented the Bengal National Chamber of Commerce, in reply to a question put by Khan Bahadur Abdul Mumin, *viz.*, "As regards the Indian Chamber, are they more interested in all-India commerce than in any particular resources of Bengal?" also replied, "No both Chambers, *viz.*, the Indian Chamber of Commerce and our Chamber are doing the same kind of work." It is true that the Indian Chamber has as its members several firms and companies which have their head offices outside Bengal, but this is inevitable in the nature of some trades like banking, insurance, shipping, etc. These firms have all the same a very large stake in the province, *e.g.*, the Central Bank of India, Ltd., the Punjab National Bank, Ltd., various insurance companies like Oriental, Empire of India, etc. Similarly several Bengalee firms have their branch offices in other parts of the country, *e.g.*, National Insurance Co., or their agents *e.g.*, the Bengal Chemical and Pharmaceutical Works, Ltd. Owing to the ramifications of the trade of several members of the Chamber, it has become possible for the Committee to get first-hand information about various matters and to consider several questions from the viewpoint of the country as a whole. We might point out, however, that the Bengal Government will also bear us out that we have discussed all questions pertaining to this province with the same zeal, earnestness and sincerity as many other Chambers, because the interests of our members are inextricably bound up with the interests of the province in which they trade and carry on their business. For instance, the representations of the Chamber on such questions as economic development of Bengal, jute industry, waterways, etc., have received wide publicity and been greatly appreciated by the public in Calcutta and all over Bengal. The Committee have been informed several times by high officials in the Bengal Government that their opinion on various matters affecting the commercial community were highly appreciated and found valuable by them, as the Chamber includes in its membership the most active industrial and commercial interests of the province and its representations are carefully thought out and constructive.

4. With regard to the second point that the Chambers' membership consists largely of non-Bengalees, the Committee would like to point out that within the Indian Chamber's membership which comprises over 200 commercial and industrial firms, there are no less than 40 Bengalee firms. Of the other members, several are domiciled in Bengal and have a very large stake in the province. In fact, several members have made Bengal their home. But the Committee do not wish to enter here into the question as to who can be considered as Bengalees and who as non-Bengalees, for as stated above there are several Marwari, Gujrati, Parsi and Punjabi members who are domiciled in Bengal and for all practical purposes are Bengalees. At the time of the examination of representatives of the Muslim Chamber of Commerce by the Provincial Advisory Committee, the question was raised in regard to the proportion of the membership of the Muslim Chamber of Commerce between Bengalee and non-Bengalee Muhammadans. In that connection, Mr. R. N. Gilchrist, Member and Secretary of the Provincial Advisory Committee, clarified the situation considerably when he stated "I think that those who are born in Bengal can be said to be Bengalee Muhammadans." Judged by this criterion, the number of "Bengalee" members in the Chamber would be a very substantial proportion of the total membership. The Committee would reiterate that they have within the Chamber's membership, a large number of Bengalee firms, engaged in *bona fide* trade and industries, and indeed some of them, besides being members of the Committee, have also been elected as office-bearers of the Chamber on several occasions, and are also representing the Chamber on various public bodies.

In regard to the non-Bengalee membership of commercial associations, the Chamber would also like to point out that the Muslim Chamber of Commerce consists

largely of non-Bengalee Muslim members and even then in the Provincial Legislative Assembly of Bengal, a seat has been offered to them by the Government of Bengal. But the Committee do not wish to pursue this point further. The Committee do trust that the Government of Bengal will be pleased to reconsider the question carefully and to be good enough to allot one seat to Indian Chamber of Commerce on the Bengal Legislative Assembly, in consideration of their representative character and the stake the members have in the province of Bengal.

5. With regard to the third point that the Chamber's opinion on a question like the additional import duty on salt has been against representative Bengalee opinion, I am to point out that although the opinion expressed by them was at times different from the views expressed by some other commercial bodies, they expressed their concurrence, with the proposal of the imposition of additional import duty on salt in consideration of the interests of the whole country and at the same time emphasised that a portion of the proceeds of the duty should be spent on development of the salt industry in Bengal, and have also urged upon the Government that they should be prepared to give a subsidy to Bengal salt industry in the initial stages. Besides, the Committee would like to point out that last year, Mr. S. C. Mitra, a representative of Bengal, in the Legislative Assembly, also supported the imposition of additional duty on salt in his speech in the Assembly on 28th March 1934 (*vide* Assembly Debates, page 2891, Volume III, No. 13, dated the 28th March 1934), while this year, Pandit Laxmi Kanta Maitra, another representative from Bengal in the Assembly, also supported this measure (*vide* Assembly Debates, Volume IV, No. 9, page 3920, dated the 8th April 1935). In this connection it is noteworthy that although the question of imposition of additional import duty on salt was left open by Sir James Grigg, in his Budget Speech of 1935, members from Bengal supported such imposition out of consideration for the interests of the country as a whole and urged that definite sums should be allocated to the province of Bengal for developing the salt industry. The opinion expressed by the Committee of the Chamber is exactly on these lines and the attitude taken up by members of the Assembly representing Bengal goes only to vindicate the position of the Indian Chambers of Commerce on the question.

6. I have also to point out that the Lothian Committee supported special representation for commerce and industry on the ground that "special provision should be made for the presence in legislative bodies of businessmen and economic experts." They also made it clear that in making that recommendation their "object is essentially to make expert knowledge available in the legislatures and not to give any particular voting strength to individual interests." It is, therefore, clear that in the opinion of the Lothian Committee, any other consideration, *e.g.*, communal considerations, should have nothing to do with the allocation of commercial seats.

7. The Committee also wish to refer to the following remarks made by Mr. S. M. Bose, a member of the Provincial Advisory Committee, in his Minute of Dissent:—

"The second point I want to raise is the question of allocating a seat to the Indian Chamber of Commerce. This Chamber is one combining very powerful branches of Indian trade and commerce and is a very influential body. It is entirely non-communal in character as proved by the fact that Muslims have been elected President of the body. The Indian Chamber has been of great assistance to the Government in giving its opinion and suggestions on all important matters affecting trade and commerce, and I believe their help is appreciated by the Government. It is a Chamber in touch with all-India commercial problems, and in conjunction with the Bengal National Chamber of Commerce will represent all aspects of Indian trade and commerce. In my opinion, the Indian Chamber has a much better claim to a seat than the Muslim Chamber of Commerce. The Indian Chamber consists of persons with expert knowledge who will be of material assistance to the new Legislatures and who fulfil the recommendations of the Indian Franchise Committee in paragraph 320 of their report. The Indian Chamber is perhaps the only body here representing various firms

engaged in trade and commerce, the activities of which extend to several provinces. The provinces are interdependent in trade and commerce, and so matters have often to be considered from a broad interprovincial point of view. The Indian Chamber has several Muslim firms as members, and Muslim trade interests, if they require special protection, can be represented through this Chamber."

8. I am attaching herewith a memorandum showing the method of working of the Indian Chamber of Commerce, Calcutta, and a list of trades and industries represented by the members and the views of the Committee on the question of representation of the Indian Chamber in the Bengal Legislative Assembly, and the Chamber's claim for being given at least one seat therein. I am also to point out that no less than 11 *bona fide* commercial associations, representing different trades and industries and having a large stake in this province, are affiliated to this Chamber and are working in close co-operation with it. The Committee feel that the necessity of representation of their large interests constitutes another additional and cogent reason for allocation of at least one seat to the Indian Chamber of Commerce. A list of the affiliated bodies is given below :—

- (1) The Indian Sugar Mills Association.
- (2) Jute Balers' Association.
- (3) Indian Produce Association.
- (4) East India Jute Association.
- (5) Calcutta Rice Merchants' Association.
- (6) Calcutta Kirana Association.
- (7) Gunny Trades Association.
- (8) Indian Colliery Owners' Association.
- (9) Indian Coal Merchants' Association.
- (10) Indian Tea Merchants' Association.
- (11) Marwari Rice Mills Association.
- (12) Bengal Jute Dealers' Association.

9. The Committee have nothing further to add to their representation as they feel that if the Government of Bengal were to reconsider their case dispassionately, they would not but be convinced about the necessity of giving representation to the Indian Chamber of Commerce in the Bengal Legislative Assembly. The Committee would also point out that as the Indian Commerce seat for Bengal in the Federal Assembly will be filled through an electoral college consisting of, according to the present proposals of the Government, only such Indian Commerce constituencies as are entitled to return representatives to the Provincial Lower House in Bengal, they would not be entitled even to participate in the elections to the Federal Assembly, if they do not get the right to elect representatives to the Bengal Legislative Assembly.

10. The Committee of the Indian Chamber of Commerce have tried to assist the Government of Bengal throughout the period of their existence by formulating their considered opinion on commercial and industrial matters and they have no doubt that the various departments of the Government of Bengal fully appreciate the views expressed by the Chamber, on various questions referred to them and engaging the attention of the commercial community and the public from time to time. It is hardly necessary for the Committee to add that in the past, on practically all occasions, the Government of Bengal have acknowledged the status and work of the Indian Chamber of Commerce and given it due recognition by inviting their representatives to serve on various committees and conferences convened by them on various occasions. The Committee earnestly hope that the Government of Bengal will consider sympathetically their request of allotting one seat to the Indian

Chamber of Commerce, in the Bengal Provincial Legislative Assembly under the reformed Constitution, revise their provisional proposals in this behalf, and be pleased to recognise the importance and status of this Chamber in the trade and commerce of this province, by allotting one seat to it in the Provincial Legislative Assembly, and by giving to it the right of participation in the election of a representative of Indian Commerce in the Federal Assembly.

*Memorandum, dated the 2nd August 1935, by the Indian Chamber of Commerce, Calcutta.*

The Indian Chamber of Commerce, Calcutta, does not enjoy the right of representation in the existing Bengal Legislative Council merely for the reason that it was founded a few years later than the introduction of the reforms. Although in consideration of its representative character of Indian Trade and Commerce, and the assistance it has rendered to the Government by formulating the views of the Indian commercial and industrial community on various questions of commercial, industrial and public importance, e.g., Currency, Exchange, Banking, Transport, Industries and Labour, General Finance, Customs, Posts and Telegraphs, Law and Legislation, Public Affairs, etc., the Indian Chamber of Commerce should have been entitled to send representatives of Indian Commerce, it has been debarred from functioning as a constituency for this purpose due to the reason that it came into existence in 1925 after the allocation of the existing four seats in the Legislative Council amongst public bodies was determined.

2. *Chamber's representation on several bodies since 1925.*—Since the establishment of this Chamber in 1925, it has been granted representation on the following bodies, on the recommendation of the Government of Bengal and/or the Government of India :—

- (1) The Calcutta Port Commissioners.
- (2) The Eastern Bengal Railway Advisory Committee.
- (3) The East Indian Railway Advisory Committee.
- (4) The Bengal-Nagpur Railway Advisory Committee.
- (5) The Railway Rates Advisory Committee (Commercial Panel) (5 seats).
- (6) Informal Quarterly Meetings between the Presidents of the various Chambers of Commerce in Calcutta, and the Agents of the Railways in Calcutta.
- (7) The Board of Control for Apprenticeship Training, Bengal.
- (8) Government Commercial Institute.
- (9) Bengal Board of Economic Enquiry.
- (10) Bengal Board of Referees to hear Income-tax Appeals.

This Chamber was also invited by the Government of Bengal to various conferences convened by the Government of Bengal, for considering questions of interest to Indian Trade, Commerce and Industries, e.g., Howrah Improvement Trust, the Jute Mills working hours controversy and Bengal Jute Enquiry Committee. A representative of the Chamber has also been appointed on the Advisory Pilotage Committee of the Bengal Pilot Service.

The Secretary of this Chamber like the Secretary of the Bengal Chamber of Commerce, has been granted exemption since 1934 from serving on the Jury in the Criminal Sessions of the Calcutta High Court.

The Secretary of this Chamber, has also been included by the Governor-General in Council in the list of assessors for serving on any Marine Court of Enquiry for the year 1935 for the Port of Calcutta, under section 254 (8) of the Indian Merchants Shipping Act, 1923.

3. *Representative character of the Chamber.*—If the representative character of a body is the true criterion for a claim to representation on public bodies, the Committee think that the Indian Chamber of Commerce has an undisputed claim for representation for allocation of at least one out of the five seats allotted to Indian Commerce for representation on the Bengal Legislative Council. The reports of the

Indian Chamber of Commerce have been supplied to the Government of Bengal in the past and a perusal of these reports will no doubt convince the Government as to how the Chamber has discharged its functions in regard to all matters of interest to the public in general and the industrial and commercial community in particular.

4. *The Executive Committee and its functions.*—The Committee of the Chamber consists of 21 members who are elected at every annual meeting by the members. There is one President, two Vice-Presidents and 18 ordinary members. No person can be elected as President for more than two consecutive years. Ten out of these ordinary members are elected as representatives of particular interests, e.g., Finance, Insurance, Produce, Jute and Jute Manufactures, Cotton and Cotton Manufactures, Coal, Transport, Hardware and Engineering, Drugs and Chemicals, and Rice. The provision in the rules for the election of 10 members in this manner ensures the representation of various trades and industries in the Committee of the Chamber. The Committee of the Chamber appoint annually 13 expert Standing Sub-Committees to deal with matters falling within their purview. These 13 Standing Sub-Committees are appointed for consideration of matters pertaining to the following subjects: Finance, Transport, Produce, Insurance, Coal, Piecegoods, and Yarn, Cotton Mills, Hardware and Engineering, Rice, Jute, Gunny, Drugs, and Chemicals, and Hides and Skins.

With a view to ensure careful consideration of several matters of importance which require closer and detailed investigation, the Committee appoint Special Sub-Committees from time to time.

The Committee meetings are held weekly for transacting the business of the Chamber.

5. *Chamber represents the various communities engaged in Trade and Industries.*—The Indian Chamber of Commerce, Calcutta, is thoroughly representative of the various communities employed in trade, commerce and industries. It has, as its members several Muhammadan firms, Marwari firms, Gujarati firms, Parsee firms, Bengalee firms, Madras firms, Punjabi firms, etc.

6. *List of bodies affiliated to the Chamber.*—The Chamber has affiliated to itself the following 12 *bona fide* and active Associations dealing with their respective trade and industries :—

- (1) Indian Sugar Mills Association.
- (2) Jute Balers' Association.
- (3) Indian Produce Association.
- (4) East India Jute Association.
- (5) Indian Colliery Owners' Association.
- (6) Calcutta Rice Merchants' Association.
- (7) Calcutta Kirana Association.
- (8) Bengal Jute Dealers' Association.
- (9) Gunny Trades Association.
- (10) Indian Coal Merchants' Association.
- (11) Indian Tea Merchants' Association.
- (12) Marwari Rice Mills' Association.

This will be enough to show the influence exerted and the prestige enjoyed by the Indian Chamber of Commerce amongst the members of the Indian commercial and industrial community.

7. *List of members classified according to various trades and industries.*—I beg to enclose a list of members (not printed) classified according to the various trades and



industries which will show that the Chamber has on its roll of members, Railways, leading Indian Banks, Insurance Companies, Cotton Mills and Hosiery Manufacturers, Jute Mills, Metal Manufacturers, Hardware Merchants, Accountants and Auditors, Produce Merchants, Glass Manufacturers, Match Manufacturers, Tobacco Manufacturers, Leather and Belting Manufacturers, Hides and Skins Merchants, Salt Manufacturers and Traders, Soap Manufacturers Coal Mining interests, Jute and Gunny Agencies, Kirana Merchants, Jewellers and Diamond Merchants, Printing Presses, Sugar Mills, Paint and Varnish Works, Mills Stores Suppliers, Import and Export Merchants, etc. A perusal of the list will give a good idea of the various important trades and industries represented by the Chamber, and also the firms which represent them.

I also beg to enclose herewith a list of members (not printed) of the Chamber with their addresses. Messrs. G. D. Birla, D. P. Khaitan and A. L. Ojha, ex-Presidents of the Chamber, were nominated by the Government of India on the recommendation of the organisations representing Indian employers as representatives of Indian employers at the International Labour Conferences at Geneva.

Several office-bearers of this Chamber have also served on several committees and commissions appointed by the Government, *e.g.*, Mr. G. D. Birla, an ex-President of the Chamber on the Royal Commission on Labour, and Mr. S. K. Bhatler, an ex-President of the Chamber, as an Assistant Commissioner on the Royal Commission on Labour, Mr. D. P. Khaitan, an ex-President of the Chamber, on the Central Banking Enquiry Committee, and on the Bengal Jute Enquiry Committee, Mr. G. D. Birla, an ex-President of the Chamber, also attended the Round Table Conference held in 1931 in London.

8. *Tribunal of Arbitration.*—In the year 1927 a Tribunal of Arbitration was established by the Chamber for the determination, settlement and adjustment of disputes, and differences between parties who refer to it matters in dispute for arbitration. With a view to cover the varying nature of disputes arising in different trades and in order that the work may be placed in the hands of gentlemen selected for their expert knowledge of the branch of trade and industry with which the dispute is concerned, separate panels have been appointed for each of the following trades on the Tribunal of Arbitration, *viz.*, (1) Jute, (2) Gunny, (3) Piecegoods, and yarn, (4) Iron and Steel, (5) Coal and Mineral and (6) General. The arbitrations are conducted at a minimum charge for the facility of the commercial community, no distinction being made in the charges in respect of arbitrations between the Chamber members, or a member and non-member. The Tribunal of Arbitration of the Chamber has disposed of a large number of cases since its establishment and its awards are enforced by the High Court.

A copy of the Memorandum and Articles of Association of the Chamber is also appended (not printed).

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#### 43. Letter dated 5th August 1935, from the Secretary, Bengal National Chamber of Commerce, Calcutta.

I am directed by the Committee of the Bengal National Chamber of Commerce to refer to the Memorandum containing the proposals of the Government of Bengal on the delimitation of constituencies for the Bengal Legislative Assembly and the Bengal Legislative Council under the reformed constitution and copies of Volumes I and II of the Report of the Provincial Advisory Committee on the delimitation of constituencies, and to submit the following observations of the Committee in connection with the proposals of the Government regarding the allocation of Indian Commerce seats.

2. In paragraph 20 of the Memorandum, it is stated that with regard to the five Indian Commerce seats, as provided for in the White Paper which constituted the

basis of the Government of India Bill, the Government of Bengal propose the following constituencies for the Bengal Legislative Assembly (Lower House) :—

	Seats.
The Bengal National Chamber of Commerce .. .. .	2
The Bengal Mahajan Sabha .. .. .	1
The Marwari Association .. .. .	1
The Muslim Chamber of Commerce .. .. .	1

The Committee of the Chamber note that in proposing these constituencies the Government of Bengal have practically adopted the recommendation of the Provincial Advisory Committee, the only exception being made in respect of the seat proposed to be allotted to the Bengal Mahajan Sabha. The Provincial Advisory Committee recommended this seat to be assigned to the Bengal Mahajan Sabha and the Indian Mining Federation in alternate councils, while the Government now propose the same to be ear-marked exclusively for the Bengal Mahajan Sabha. Making allowance for this exception of rather minor significance, the constituencies proposed by the Government of Bengal are virtually the same as those recommended by the Provincial Advisory Committee, with identical number of seats allotted to each of them. The decision of the Government adhering almost entirely to the recommendations of the Provincial Advisory Committee has been the cause of a great disappointment to the Committee of this Chamber. The Committee of the Chamber have noted with regret that in making their recommendations the Provincial Advisory Committee have not given sufficient weight to the many important considerations contained in the memorandum submitted by this Chamber to that Committee. For the same reason the Committee of this Chamber cannot acquiesce in the decision arrived at by the Government and in this connection they should like to stress that the allocation proposed in the Memorandum in regard to the seats reserved for Indian Commerce in the new provincial legislature will militate against the best interests of the indigenous commercial elements in the province.

3. The Committee do not think it necessary, while the memorandum submitted by this Chamber is available to the Government, to reiterate the many considerations contained therein in detail. They should however, like to draw particular attention of the Government to certain fundamental considerations on which the entire question of commercial franchise in this province should be based. The foremost among these which was most emphatically urged by this Chamber in its memorandum is that the Indian Commercial seats should be reserved exclusively to Indian commercial interest indigenous to the province, which, however, does not connote a disregard for non-indigenous commercial interests. This, the Committee consider, should be accepted as the very basic condition of the allocation of commercial seats. The Committee regret that this most important principle has been breached by allotting seats to some bodies, whose membership is predominantly non-indigenous to the province. It gives ground for the apprehension that the indigenous commercial interests of Bengal will have continually to cope with formidable interests which are not of this province. The Committee have in this connection in mind the Muslim Chamber of Commerce that has been allotted one of the five Indian Commercial seats. The Muslim Chamber consists for the most part of non-Bengal Mahomedans ; it has been in existence for barely a year and during that time it could hardly have been said to have established itself as a body of commercial opinion carrying the weight and authority entitling it to the allocation of one seat. It would not be unreasonable to entertain similar apprehensions about the Marwari Association. It was an anomaly that this Association should have been given separate representation even under the existing system. In this respect, therefore, the allocation of seats proposed by the Government violates the principle of indigenous representation, which the Committee re-affirm to be one of supreme importance.

4. A second feature to which the Committee have strong objection is the communal complexion given to the allocation of the seats in question. Commercial

interests are fundamentally common to all communities in the province and therefore the commercial seats *per se* do not lend themselves to division on a communal basis. So far as communal representation is concerned this is provided for under the Communal Award and the Committee of the Chamber regard the five Indian commercial seats as outside its scope and dissociated from the communal question entirely. Yet in allotting one seat to the Mahomedan Chamber of Commerce and one seat to the Marwari Association the Government decision is calculated to create an unwholesome precedent which is not to be found in any other province where similar conditions exist. The principle is unwholesome because it takes official cognisance of and encourages communalism in the commercial sphere, a sphere in which communalism need not enter and in which every effort ought to be made to discourage it.

5. Again, it is a matter of extreme regret that Government should have accepted the suggestion of the Advisory Committee in deciding upon a sectional allocation of the commercial seats. Together with the communal division introduced, this decision amounts to a severe disintegration of the Indian commercial vote, which not only weakens the position of the Indian commercial interests represented in the legislature but also threatens to retard the development of Indian commerce and industry in the province. In this connection, the Committee have in mind the seat allotted to the Bengal Mahajan Sabha, which admittedly is a sectional commercial organization restricted in scope, to the exclusion of other such organizations with similar claims, *e.g.*, the Chittagong Merchants' Association and some Associations affiliated to the Chamber, which have even a stronger case for representation than the Bengal Mahajan Sabha, as playing a more important role in the commercial life of Bengal than the latter.

6. Briefly, the main contentions of this Chamber, are—

- (A) that representation should be given exclusively to institutions comprising members of indigenous commercial interests,
- (B) that the Indian commercial seats should not be split up on a sectional basis, but allocated *en bloc* through a suitable organization comprehending all sections and classes of Indian commerce and industry indigenous to Bengal, and
- (C) that allocation should not be made on a communal basis.

The Committee should like to point out that these considerations were most emphatically urged by them upon the Advisory Committee, with elaborate and adequate explanation of the nature of certain defects which any scheme of allocation in contravention of these principles should entail. They cannot, therefore, too much regret that the Government have not appraised the seriousness of the defects in making their decision on this question and have on the contrary provided the fullest scope for both communal and sectional representation of commercial interests.

7. In inviting the attention of the Government of Bengal again to these potent drawbacks in the allocation proposed by them, the Committee of the Chamber would like to stress that on no account should the Government allow the new legislative structure of this province to be saddled with features having potentialities for future conflict to the prejudice of commercial interests indigenous to the province. At the same time the Committee would like to impress upon the Government, as they sought to do upon the Advisory Committee, that the problem in this regard which arises inevitably from the extremely limited number of seats provided for Indian Commerce, can be satisfactorily solved only through a scheme of allotting the Indian Commercial seats *en bloc* to a single, large and all-comprehending indigenous commercial organization embracing all the important sections and communities of the indigenous trades and industries of the province, with every scope provided for new comers to join it. The merits of such a scheme have been fully explained by the Committee in the memoranda submitted by them to the Advisory Committee as being conducive to the enhancement of the prestige and influence of the comprehensive organization and consequently of the value of the expert assistance which

the special representation of Indian Commerce is expected to secure to the legislatures. While emphasising the distinctive merits of such concentrated representation, the Committee of the Chamber also stressed the feasibility of giving immediate effect to such a scheme by pointing out that the purpose would be effectively served if all the 5 Indian Commerce seats were allocated to the Bengal National Chamber of Commerce, membership of which is open to any businessman or institution having their chief centre of business in Bengal, irrespective of their communal complexion. With its numerous affiliations this Chamber might well claim to function as a comprehensive and representative organisation of the type suggested. The Committee feel that they need make no apology for drawing particular attention to the number and character of the various sectional commercial organizations affiliated with the Chamber comprising such trades and industries of importance as Jute, Tea, Coal, Shellac and the small industries of the province, and also to the fact that the Bengal National Chamber of Commerce represents a comprehensive organization not only of the businessmen of this province but also of numerous districts of Assam. And in this connection the Committee would emphatically assert that none of the commercial bodies to whom the Provincial Advisory Committee and the Government have recommended separate allocation of seats can claim to stand for any particular commercial interests not already represented through the Bengal National Chamber of Commerce.

8. A perusal of Volume II of the Report of the Provincial Advisory Committee leads the Committee of the Chamber to believe that the recommendations of the said Committee are formulated not only against the large volume of evidence supporting the claim of this Chamber but also on a glaring under-estimation of the representative character of the Bengal National Chamber of Commerce. To no mean extent the recommendations of the Advisory Committee have been influenced by an extremely conservative attitude towards the question. They have for all practical purposes supported the *status quo* as inaugurated by the Montagu-Chelmsford Reforms, the only new feature being that the fifth seat has now been allocated to the newly formed Muslim Chamber of Commerce. The Committee regret that the Provincial Advisory Committee and the Government should have failed to make a bolder approach to the problem. In the opinion of the Committee, it is of supreme importance in the present juncture to exercise the greatest care in determining the principles on which the allocation of the seats should be made. On no account should their judgment have been so much influenced by the consideration of rights and privileges hitherto allowed. Even while the Committee admit that any particular body to which franchise has been granted in the past may with some force press a claim for special consideration, they should at the same time like to point out that such claims cannot outweigh the dangers involved in a disintegration of the commercial vote which must need be retarded at any cost and at this very moment in the economic interest of the province as a whole. The Committee of the Chamber are of opinion that the whole question should be considered afresh in the light of changed circumstances since the inauguration of the Montagu-Chelmsford Reforms. The Committee feel that any concession now granted on the principle of least resistance with a view to avoid temporary difficulties would in view of altered conditions not only be inadvisable, but may also prejudicially affect the larger interests of the province.

9. Taking this view of the problem the Committee venture to hope that the Government of Bengal will be persuaded to revise their decision in regard to the allocation of commercial seats. And in this connection the Committee would take the opportunity of pointing out that any revision made by the Government at this stage would be quite in fitness of things and in due recognition of the traditions of the Bengal National Chamber of Commerce as being the most important comprehensive organization of the indigenous commercial interests of the province. Even more than seventeen years ago the activities of this Chamber gained the most appreciative recognition from the Government of Bengal who were then pleased to record their opinion about this chamber in the memorandum submitted to the Southborough Committee in the following words: "The Bengal National Chamber

of Commerce is undoubtedly the foremost Indian commercial body in the presidency. The list of its members includes all the more important Indian businessmen, as they have interests throughout Bengal". While recalling with gratitude these appreciative remarks of the Government of Bengal, the Committee now feel particularly gratified to invite the attention of the Government to the fact that the activities of the Chamber during subsequent years have considerably enhanced the representative character of the Chamber; a fact to which the remarkable increase in the number of sectional or minor commercial bodies affiliated with the Chamber bears ample testimony. The pre-eminence and representative character of Bengal National Chamber of Commerce have gained recognition even very recently at the hands of the Lothian Committee who recommended that out of 4 seats to be allotted to Indian Commerce in the Lower House of the Federal Legislature one should be specifically reserved in favour of the Bengal National Chamber of Commerce (*vide* page 169 of the Report). In the circumstances, the Committee do not think that in revising their decision and in allotting all the Indian commercial seats in the Bengal Legislative Assembly *en bloc* to the Bengal National Chamber of Commerce, the Government would be making any extraordinary or undesirable commitment. The Committee hope, that in view of the serious consequences involved in any alternative scheme of allocating the seats to communal or sectional organization as hereinbefore stated, the Government of Bengal will not be found wanting in the furtherance of the true commercial interests indigenous to the province by the adoption of a bold scheme as recommended by this Chamber, and thereby give a timely lead in finding a satisfactory solution of this intricate problem, which the Committee understand, awaits further investigation by the Delimitation Commission appointed by Parliament.

#### 44. Letter dated 5th August 1935 from the Secretary, Muslim Chamber of Commerce, Calcutta.

I am directed to forward to you the enclosed note embodying the views of my Committee on the subject of delimitation of constituencies for Bengal Legislative Assembly (Lower House) and request you to place the same before the Committee for Delimitation of Constituencies announced by the Government. The representation contains (a) the claim of the Muslim Chamber of Commerce for 2 seats in Bengal Legislative Assembly (Lower House), and (b) also the views of my Committee on the report and the evidence before the Provincial Advisory Committee on the Delimitation of Constituencies, 1933-34 (Bengal).

I may again emphasise that my Committee feels strongly on the subject of allocation of one seat to this Chamber in the Bengal Legislative Assembly and is much aggrieved at the injustice done to them.

*Note by the Muslim Chamber of Commerce on the Memorandum containing the proposals of the Government of Bengal on the delimitation of constituencies for the Bengal Legislative Assembly and the Report of the Provincial Advisory Committee on the Delimitation of Constituencies, 1933-34.*

The Muslim Chamber of Commerce regrets to have to state that it has been forced, on reading the Memorandum containing the proposals of the Government of Bengal on the Delimitation of Constituencies for the Bengal Legislative Assembly and the Bengal Legislative Council under the Reformed Constitution, to the conclusion that a grave injustice has been done by the Government of Bengal in allocating only one seat to this Chamber in the Bengal Legislative Assembly. It is further of the opinion that the whole question of the delimitation of constituencies, so far as the Commerce and Industry seats are concerned, has been dealt with in a manner that does not inspire confidence but, on the contrary, gives rise to doubts and misgivings. The recommendations of the Committee, on which the present Memorandum is based seem to be in the nature of compromises. No reasons have been assigned for the allocations they have made and the "unanimous decision" appears to be a makeshift, neither equitable nor judicious and not in keeping with the mass of evidence led before the Committee. The Chamber, despite a careful study of the Memorandum, finds it difficult to discern the principle on the basis of which the Government has divided the 19 seats allocated to commerce and industry.

Different and various standards have been used and no regard has been paid to the merits and demerits of any particular case and the Chamber is afraid that if the mistakes now committed are not rectified the whole object of the coming constitutional changes and the opportunities likely to open out for those who have been silent till now or been debarred from representation, will be nullified.

In paragraph 19 of the Memorandum it is said " of the 19 Commerce and Industry seats, it is anticipated that 14 will be assigned to European interests and 5 to Indian interests. With regard to the European seats, in agreement with the representative European commercial bodies and the Provincial Advisory Committee, Government propose the following constituencies :—

	Seats.			
The Bengal Chamber of Commerce .. .. .	7			
The Calcutta Trades Association .. .. .	2			
The Indian Jute Mills Association .. .. .	2			
The Indian Tea Association .. .. .	2			
The Indian Mining Association .. .. .	1			
Total ..	14 "			

and in paragraph 20 it is further said " With regard to the five Indian Commerce seats, the following constituencies are proposed :—

	Seats.			
The Bengal National Chamber of Commerce .. .. .	2			
The Bengal Mahajan Sabha .. .. .	1			
The Marwari Association .. .. .	1			
The Muslim Chamber of Commerce .. .. .	1			
Total ..	5 "			

The silence of the Delimitation Committee with the subject matter of paragraph 19 appears to be unintelligible while the giving away of 7 seats to the Bengal Chamber of Commerce and a further 7 seats to its affiliated bodies whose interests the Chamber can safeguard " in agreement with the representative European Commercial bodies and the Provincial Advisory Committee " does not appear to the Chamber to be just or reasonable. If volume of business or vested interests can be considered as a justification for this allotment, it is submitted that the same principle be applied to other interests and commercial bodies in an equal degree.

The allocation of the 5 seats to the Indian section of the proposed constituency has also been made in an arbitrary manner without attention to the observation of the Indian Franchise Committee which laid down that " the object of special representation of commerce is essential to make expert knowledge available to the legislatures and not to give any particular voting strength to individual interests ". The Muslim Chamber of Commerce is anxious that the above observation be given effect to when final decisions are taken on the subject.

This Chamber regrets to note that the facts and figures submitted to the Committee have not received the consideration they deserve and, therefore, a reiteration of the salient features of its case for better representation has become imperative.

# VOLUME III.

The Muslim Chamber of Commerce occupies a unique and definite position on the commercial community. There is practically not a single item in the export and import trade of the province, in which the members of this Chamber are not interested. They hold the first position in the export of the principle commodities of Bengal, such as, raw and manufactured jute, rice, lac, shellac, tea, hides and skins, etc., among Indian merchants while they are no less conspicuous in the import of salt, sugar, white oils, vegetable product, hosiery, glassware, fancy goods, fruit, etc., etc. They are interested in tanning extensively and as industrialists manufacture jute fabrics, matches, shoes, soap, sugar, buttons and cigarettes and a variety of other goods. The following figures of exports for the year 1934, collected from "The detailed List of Manifest of Vessels cleared at the Calcutta Customs House for foreign ports" establish the above statements conclusively :—

## *Exports.*

Commodities.	Total shipments of Muslim Merchants.	Total shipments of other Indian Merchants.	Percentage of the Muslim Merchants of total Shipment of the Indian Merchants.
Shellac and lac, seeds, etc. (Cases) ..	142,189	100,492	Over 58½ per cent.
Jute cloths (yards) .. ..	269,071,946	137,620,643	Over 66 per cent.
Jute bags (pieces) .. ..	101,288,265	40,534,950	Over 71½ per cent.
Cow and buffalo hides (pieces) ..	1,172,033	<i>Nil</i>	100 per cent.
Skins (calf and goats including kid) ..	3,359,197	31,700	99 per cent.
Reptile skins .. ..	1,260,435	128,673	Over 87½ per cent.
Rice (tons) .. ..	53,186	21,651	71 per cent.
*Tea (lbs.) .. ..	4,678,168	18,449,246	Over 21½ per cent.

## *Imports.*

	Per cent.	
Salt .. ..	33	of the total Imports.
Sugar .. ..	60	Ditto.
Vegetable product .. ..	90	Ditto.
White Oils .. ..	90	Ditto.
Hosiery .. ..	60	Ditto.
Fruits .. ..	95	Ditto.
Chemicals and Drugs ..	45	Ditto.
Glassware, woollen cloth, and fancy goods.		

\*The figures for tea are for the season May 1934 to April 1935 but they should also include exports by land. In that case the percentage would go up to 35 per cent.

Members of this Chamber control about 75 per cent. of the coastal trade of Bengal and India, in which connection commitments for freight to the extent of over 1,500,000 tons are made by them annually with the shipping companies, principally British, operating in Bengal.

In view of the foregoing, the Muslim Chamber of Commerce desires to emphasise the fact that the allocation of seats as suggested by the Government of Bengal gives inadequate representation to Muslim commercial interests in the Bengal Legislative Assembly. The claim of the Muslim Chamber of Commerce for proper representation is based on the well-known constitutional principle of adequate representation, in consonance with their importance, of all sections and interests, in the administration and governance of the country. Having regard to the dominating position the Mussalmans occupy in the population of the province and in its agricultural, industrial and commercial activities which pervade its entire economic life, if there is any commercial organisation that can be called "National", it is submitted that the Muslim Chamber of Commerce alone deserves that name and consequently its claim to representation in proportion to its importance is eminently reasonable and fully justified.

The Report of the Provincial Advisory Committee on the Delimitation of the Constituencies and the evidence adduced before it disclose the fact that the Muslim Chamber of Commerce has come in for considerable criticism which is mainly based on the following presumptions :—

- (1) That it is non-Bengali in character.
- (2) That it is a communal organization brought into being with the main object of securing seats in the legislature and, therefore, not a *bona fide* Chamber of Commerce.
- (3) That it is not sufficiently well-established and is not a representative institution.

It is difficult to accept these objections against the Muslim Chamber of Commerce either as sound or convincing. There is not a single Chamber of Commerce in Bengal which can claim to be wholly Bengali in its character and constitution. The Bengal Chamber of Commerce has refused to allow itself to be bracketed with the other Indian organisations for the purposes of the Commerce and Industry Constituency. The Franchise Committee Report says, "We have considered the possibility of amalgamating the representation of European and Indian commerce in joint electorates, but we are assured that this step would not meet with the approval of the European commercial bodies". The Provincial Delimitation Committee endorsed the above view of the Franchise Committee without comment and it is mainly on this account that the Commerce and Industry Constituency has been divided into two groups. The Bengal National Chamber, the most uncompromising opponent of the interests of the other Indian Chambers, has made an invidious exception in the case of the Bengal Chamber of Commerce, setting aside considerations of provincial patriotism and predominant national interests although it is well-known that non-British members of the Bengal Chamber of Commerce cannot become members of its governing body, nor can they represent the Chamber on any public body. It is interesting to note that the same Chamber adopts a different attitude towards the Marwari Association, another organisation of a non-Bengali trading community. If this attitude is allowed with regard to the European group in Bengal and the Marwaris, there is no reason why the same spirit of accommodation should not be shown towards the Muslims who occupy the foremost position in the Indian commercial community.

Bengal is predominantly a Muslim province. The peasantry and labour, who form the chief factor of production in the economic life of the province and the basis of all trade and commerce are overwhelmingly Muslim. Muslim merchants, by virtue of their affinity with the population as well as the large amount of trade which they handle and control, are thus the natural leaders and representatives of the trade and commerce of Bengal. The non-Bengali members of the Muslim Chamber of Commerce, if a distinction of Bengali and non-Bengali can at all be possible among



the Mussalmans, are domiciled in the province even if some of them hail from other parts of India. They have their business, their property and their families in Bengal where they have lived for generations. Some of them are tied down to the soil through marriage and family relationship but the supreme interest of all for them is the trade and commerce to which they belong. There are no distinctions of language, domicile, race and religion where trade and commerce are concerned. A businessman from Kathiawar who has been engaged in trade operations in Bengal, has sunk his capital in the province and is handling men, material and finance here in Bengal, is not in any way different from a Bengali who is engaged in similar operations in his own province. The differences, if any, are not racial, they are mainly economic and that is why there are so many groups in the constituency which goes under the one name of commerce and industry. The objection against the non-Bengal character of the Chamber is only an ingenious device of putting obstacles in the way of the legitimate interests of the Muslim Chamber because the Muslim commercial community has so far been disorganised or not able to look after its own interests in the face of keen economic competition.

It has also been suggested that the Muslim Chamber of Commerce has come into existence with the sole object to secure additional seats for the Mussalmans in the Legislatures and that it is not a *bona fide* institution to promote the commercial interests of the community. Nothing could be a greater misrepresentation of a simple fact. The Chamber has come into existence, undoubtedly, only few years ago but it is well-known that attempts were made to form such an institution more than once and long before the question of reforms and the new constitution were before the public mind. Since its inauguration the Chamber has shown a clean record of progressive ideas. It has always been actuated by a spirit of co-operation with other bodies and it has applied itself closely to questions of trade and commerce with a view to safeguard and promote the interests of trade in the province, in which Muslims hold a predominant position among the Indian community and where their interests had till its establishment suffered greatly through neglect and lack of sympathy on the part of others.

Great stress has been laid in the lengthy memorandum as well as the oral evidence of the Bengal National Chamber of Commerce on the point that all interests of trade and commerce in Bengal should be represented by and through the Bengal National Chamber of Commerce alone. The position is *prima facie*, untenable for the reason that a large amount of the trade and commerce of the province is controlled by Europeans who do not agree with such a proposition. Again, the existence of the Mahajan Sabha, the Marwari Association, the Indian Chamber of Commerce, the Indian Mining Federation, the Indian Merchants' Association and several other organisations, is a negation of the claim and a proof that it is as inconceivable in theory as it is impossible in practice. Further, as its membership is not restricted to commercial classes exclusively there is a considerable element which is not connected directly with any trade or commerce and, therefore, the character of the Chamber is a mixed one. It might even be questioned whether its interests are mainly commercial. There are, besides, important sections of commercial classes in the province who have no desire to work through the Bengal National Chamber, nor has the Chamber, by its activities, inspired any confidence or offered sufficient inducement to other commercial bodies to be associated with it. The establishment of the Indian Chamber of Commerce some years ago, and the important position it has now reached, is an instance in point of the dissatisfaction felt by those who tried to realise their aspirations through the Bengal National Chamber.

If the principles of representation laid down by the Bengal National Chamber are accepted as they are, in a sense, accepted by the Provincial Delimitation Committee then it is doubtful whether the Marwari Association should at all find a place in the Legislative Assembly of Bengal. It has no *locus standi*. Its activities are not purely commercial and its character and composition are essentially non-Bengali.

"Q.—I put it to you that the Marwari Association, apart from the membership of its firms, is a body which is solely engaged in piecegoods and import trade ?

A.—The Marwari Association has got some wealthy members; they are all interested in commerce; but it is a social body. They do not take active interest

in trade as the Indian Chamber of Commerce and the Bengal National Chamber of Commerce do." (Page 7).

The Bengal Mahajan Sabha is not interested in export or import trade at all. It has nothing to do with the coastal trade either. The chief activities of the Sabha consist in money-lending. It is doubtful if they should enter the legislature through the constituency of Commerce and Industry. Their position is analogous to the mahajan class all over India and the vague expression "rural trade", to which they lay claim, is an appanage of money-lending and has no connection with real commerce. Mahajans are returned to the legislatures by general rural constituencies and this could as well be done in Bengal.

To recapitulate, the Muslim Chamber of Commerce is of the opinion that in the distribution of seats consideration should first be given to the commercial importance of the organisations called upon to send representatives. Volume of trade and commerce controlled by them, their experience and knowledge of special branches of commerce and the influence they can wield in the improvement and expansion of the economic life of the province should not be ignored. Production of raw material, and Bengal is mainly agricultural, is of the greatest importance to the commerce and industry of the province. Export and import and coastal trade are the sources on which the prosperity of the masses of the country depend.

Regard being had to these considerations the Muslim Chamber, which is so closely and intimately connected with every aspect of the life of the province, claims better representation than what it has been given.

One more seat for the Chamber must be found and it be granted a chance to play its proper legitimate and natural role in the province.

### Bengal.

#### 45. Evidence of Messrs. D. P. Khaitan, A. L. Ojha and M. P. Gandhi, representing the Indian Chamber of Commerce, Calcutta.

*Calcutta, dated the 16th November 1935.*

*The Chairman.*—Have you anything to add to your written answer?—*(Mr. Khaitan)* Sir, we would like to add just a few matters. On reading the evidence that was given before the provincial Committee we find that through ignorance great stress was laid on their pointing out that the membership of the Indian Chamber of Commerce was greatly in respect of persons and firms which had their business outside Bengal. Such a representation could only have been made through absolute ignorance. If I may be permitted, I may submit that out of the 238 members of the Indian Chamber of Commerce, 38 are Bengalees, 21 are Muhammadans—both Bengali Muhammadans and those coming from other provinces, 57 Gujaraties, 101 Marwaris from all over India. These are domiciled in Bengal although they originally came from Rajputana. They are all in Bengal although they come from Rajputana. As regards the number of firms that have got their head offices, I may state that 8 are Parsis : 8 are Punjabis and 5 are Madrasis, thus giving a total of 238 : out of this total number only 18 have their head offices outside Bengal. Of these 18, 11 are insurance companies, e.g. the Oriental Government Security Life Insurance Company, Empire Life Insurance Company, the New India Insurance Company, and the Luxmi Insurance Company who do a large amount of business in Bengal.

*Q.*—Are the Railway Companies your members?—*Yes* : Those railways which have their head offices in Bengal are our members.

*Q.*—What about the Bengal and North Western Railway?—They are not our members. The East Indian Railway, the Eastern Bengal Railway and the Bengal Nagpur Railway are our members ; and in fact the Indian Chamber is the only Indian mercantile body throughout India of which these Railways are members.

*Q.*—What do you mean when you say that the Indian Chamber is the only body which have railways as their members?—These railways are members of the Bengal Chamber of Commerce, but that is a European body. What I mean is that the Indian Chamber is the only Indian mercantile body throughout India of which these railways are members.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—What have you to say as to the criticism that most of the members of your Chamber are non-Bengalis? Do you accept it?—I am just coming to that point. I have already stated that out of these 18, 11 are insurance companies. Three are banks, namely, the Bengal Bank of India, the Central Bank and the Punjab National Bank, which have very large operations in Bengal and the Scindhia Steamship Company which have large operations in Bengal. Their steamers ply from Calcutta to Rangoon, Karachi and Bombay: and this company is one of the 18. Two are steel companies; one is the Tata Iron and Steel Company who sell a large amount of their products in Bengal. Although this company have their head office nominally in Bombay, but they do their selling operations in Calcutta. Their Sales Manager has his office in Calcutta. The managing director, Mr. Dalal, has his head office in Calcutta. The other company is the Iron and Nail Products Company which is not a subsidiary company but an independent one. They get assistance from the Tatas in the shape of raw materials. This completes the number of 17 and the remaining one is the Norottum Company Limited which is a company like other companies.

*Q.*—Do you mean to say that the 18 you have mentioned have their head offices only outside Bengal?—Yes, the remaining 220 have their head offices in Bengal. I am trying to show that the statement which was made before the Provincial Committee was made through absolute ignorance.

*The Chairman.*—What statement are you referring to?—I am referring to page 4, Volume II. There is that impression from the questions put to Mr. Ojha.

*Q.*—I suggest that your Chamber is largely represented in Calcutta by branches of Bombay firms which operate to a great extent in Bengal?—That is an absolute mistake and that is the reason why I am placing these facts before you.

*The Hon'ble Mr. Justice Din Muhammad.*—In your previous statement you said that 25 firms had their head offices outside Bengal; now you are saying that only 18 offices are located outside Bengal?—The answer had to be given on the spot on the previous occasion. Now we are giving the answer after obtaining definite information.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Do you say that on the previous occasion you were not prepared and that the present answer is accurate.—(*Mr. Ojha*) We are now prepared with facts and figures.

*The Chairman.*—You have 101 Marwaris on your Chamber: how many of them belong to the Marwari Association?—(*Mr. Khaitan*) There are some who are common to the Indian Chamber of Commerce and the Marwari Association. I do not think they would be more than—it is only a guess work—about 30. In this connection I may point out that so far as trade questions are concerned, they are dealt with by the Indian Chamber of Commerce.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—What does the Marwari Association then deal with?—The Marwari Association deals principally with social matters. Its members are all merchants—you will hardly find any Marwari who is not a merchant—and the Association deals principally with social matters like the Sarda Act. The trade portion is dealt with by the Indian Chamber of Commerce. I may point out that all the different Trade Associations dealing with *bona fide* trade are all affiliated to the Indian Chamber of Commerce.

*The Hon'ble Mr. Justice Din Muhammad.*—Have you a list of all these bodies?—Yes, Sir. The Indian Sugar Mills' Association: the Jute Balers'

Association; the Indian Produce Association; the East India Jute Association; the Indian Colliery Owners Association; the Calcutta Rice Merchants' Association; the Calcutta Kirana Association; the Bengal Jute Dealers' Association; the Gunny Trades Association; the Indian Tea Merchants' Association and the Marwari Rice Mills Association. You will see that all the bodies which deal with individual trade and industry are all affiliated to the Indian Chamber of Commerce, and that the Indian Chamber of Commerce is the only body which is in a position to deal with all trade, commerce and industry matters that come up for consideration.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—All these 18 having head offices outside Bengal have got large interests within Bengal?—Yes, Sir, and the remaining 220 have got almost all their interest centered in Bengal; their head offices located in Bengal, they belong to Bengal, they carry on their business in Bengal and their outlook, if I may say so, is Bengal.

*Q.*—Is it correct to say that although these 220 concerns have their interest in Bengal they are owned by non-Bengalis?—The point is that they cannot be said to be non-Bengali concerns. I will give you some examples. Take the example of Marwaris. I am known to be a Marwari, but my family have been three generations in Bengal and under the law I cannot be called a non-Bengali.

*The Chairman.*—Are you a member of the Marwari Association?—I am not now; but I happened to be the Secretary of that Association. My ancestors came from Rajputana; but for three generations we have been in Bengal. According to law I cannot be called a Marwari.

*Q.*—In fact you mean to say that you have thrown your lot with the Bengali people?—Yes, Sir.

*Q.*—Did you lead the deputation to Lord Reading?—Yes, Sir, as Secretary of the Marwari Association.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Do these 220 firms more or less identify themselves with Bengal although their ancestors came from other provinces? Can you give us some other instances?

*The Hon'ble Mr. Justice Din Muhammad.*—Although you say that your outlook is Bengali, the gentlemen who represented you before the Provincial Committee clearly admitted that there was a conflict as regards the outlook of things. Will you explain by concrete instances where your interests differ from those of Bengal?—As regards the outlook of things what was particularly in mind was about the salt protection duty. What happened exactly was this . . . . .

*The Hon'ble Mr. Justice Venkatasubba Rao.*—These platitudes are difficult to define in precise terms. Confine yourself to concrete facts.—What happened about salt is this: the Indian Chamber of Commerce was the first mercantile body to take up the question that protection should be given to the manufacturers of salt in India and upon that the Government of India made a proposal for levying a protective duty on salt: the Indian Chamber of Commerce said that the protective duty should be imposed. At that time some other bodies said that it would affect Bengal consumers; therefore protective duty should not be imposed upon salt. The Indian Chamber of Commerce would not agree with that view because they were always in favour of the development of industries and they could not also forget what happened during the time of the War when it became difficult to import salt and the price went up to a great extent. Therefore in the circumstances the Indian Chamber of Commerce stuck to the view that protection was needed for the manufacture of salt and it was thus we did come into clash with a large volume of opinion in Bengal.

*Q.*—Why was the Bengal view against the protective salt duty?—The consumers said that many articles would thus require protection. It is an old old story. (*Mr. Ojha*) In one word, they took the view that Bengal consumers were going to be affected. That was their immediate loss. We in the Indian Chamber looked at it from the industrial point of view; we wanted the salt industry to develop and we could only do that by the imposition of a protective duty.

*The Chairman.*—What happened to salt?—(*Mr. Khaitan*) I am coming to that, Sir. Having taken that view we stuck to it and I think it was in March last when the question as to whether the salt duty, should again be imposed or not came up before the Legislative Assembly, all the members from Bengal in that Assembly voted in favour of the protective duty. That is the position we took on that question, and that is how so much was made by the newspapers.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Can you show why protection was needed for salt?—In paragraph 5 of Mr. Gandhi's letter of the 2nd August 1935 it is stated "Mr. S. C. Mitra, a representative of Bengal in the Legislative Assembly, also supported the imposition of additional duty on salt in his speech in the Assembly on 28th March 1934, while this year, Pandit Laxmi Kanta Maitra, another representative from Bengal in the Assembly also supported this measure. In this connection it is noteworthy that although the question of the imposition of additional import duty on salt was left open by Sir James Grigg, in his budget speech of 1935, members from Bengal supported such imposition out of consideration for the interests of the country as a whole and urged that definite sums should be allocated to the province of Bengal for developing the salt industry". This was exactly the position which the Indian Chamber of Commerce took up from the very beginning, although the Bengal members had to change their attitude and their present view is not at all different from ours.

*Q.*—Salt is an Imperial subject. Therefore it was not a matter to be agitated in the Bengal Legislative Council?—The Indian Chamber of Commerce did not support the interest of Bengal on that point only, and that is why so much was made of the salt question.

*Q.*—When you took up this attitude did you have any salt merchants on your body who stood to gain by the course you adopted?—That is not so. I understand the implication of your question. Although we have some members who are interested in the selling of salt still they did not stand to gain in any way by the imposition of protective duty on salt.

*The Chairman.*—Have you any members taking salt from Aden?—Some merchants do get salt from Aden, and that was the reason why, rightly or wrongly the idea was prevalent that the people of Bombay side and Karachi who import salt from Aden would benefit from this duty as the salt from Aden came in duty free. On this side of India Liverpool salt is used and it has to pay duty. Owing to that impression not only the Bengal Government but the Bengal Legislative Council put in a strong protest against the imposition of salt duty.

*Q.*—So far as the other provinces are concerned I think the Bihar Government also did the same. But it appears that as a matter of fact your Chamber took a broad statesman-like view and the representatives from Bengal on the Legislative Assembly later came into line and supported your point of view?—Yes, Sir.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—I still want to know whether there were any members on your Chamber who stood to gain by the course you then pursued i.e., was self-interest the motive?—That is not so: nobody stood to gain. This view was put forward not by any salt merchant but by a Bengali merchant who had nothing to do with salt, namely Mr. N. C. Sarcar, a partner of Messrs. Kerr Tarruck and Co. which firm is now unfortunately defunct. I believe the Chairman remembers the late Nalin Behari Sarcar who was the principal member of the firm. It was at the

instance of Mr. N. C. Sarcar that the matter was first taken up by the Indian Chamber. He was a member of the Committee. We had nothing to do with salt. We have had always Bengali members on our Committee and even now we have got three Bengali members on our Committee. Of the remaining 220 members at least 90 per cent. have no business outside Bengal. Of the remaining 10 per cent. of the 220 firms who have business outside Bengal, their business connections outside Bengal centre round and are focussed in Calcutta and I shall just explain the meaning of what I am saying. Take for instance a firm dealing in linseed.....

Q.—Are we to understand from your statement that 10 per cent. of the members of your Chamber have their head offices in Bengal and that 90 per cent. do no business outside Bengal? Now 90 per cent. of 220 would be 198 or thereabouts. Take the entire capital represented by your Chamber what does this 90 per cent., viz., those having no business outside Bengal represent in terms of capital?—The total capital represented by the Indian Chamber of Commerce is 345 crores from which I think we can reasonably deduct the capital of the Railways. Deducting the capital of the Railways, that is Rs. 266 crores, the remaining capital of the members of the Indian Chamber of Commerce is Rs. 79 crores.

*The Chairman.*—This is all paid-up capital?—Yes, Sir. They are all paid up. But these firms are not all limited companies.

Q.—How do you get at this capital?—From market information.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Of the 79 crores what is the paid up capital of the limited liability companies who are members of your Chamber?—We have not calculated that separately. We have given you the joint capital from market information.

Q.—You must be in a position to tell us how much of this 79 crores represents the capital of the incorporated companies. That would be a certain figure, whereas, in other cases the matter would be one of guess work?—We can give you the figures for these companies. If you deduct 38 crores from 79 crores the balance, viz., 41 crores is the paid up capital of these companies.

Q.—Excluding of firms and individuals, whose capital be only a matter of estimate, the paid-up capital of registered companies is 41 crores. Is it not so? You also said that 90 per cent. of the 220 members have no business outside Bengal: now can you tell us roughly how much capital this 90 per cent. represents?—It would be about 80 per cent. of the 80 crores. Out of this 80 crores you have got to deduct the capital of the 18 firms mentioned in our memorandum.

*The Chairman.*—I find on reading the list of registered firms, railways and banks that it includes the Benares Bank?—(*Mr. Gandhi*) It was originally a member of our Chamber but now it has ceased to be one.

Q.—It also includes the Punjab National Bank as well as the Central Bank of India: where is the head office of the latter bank?—In Bombay, Sir.

Q.—I find that two banks from Bombay have a capital of about 3 crores—(*Mr. Khaitan*) We are deducting all that.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—How much is the capital of the purely Bengali concerns—concerns owned by Bengalis, capital being that employed in Bengal?—The capital of such firms will be about 60 crores; certainly above 50 crores.

*The Hon'ble Mr. Justice Din Muhammad.*—How have you calculated this?—We have taken into account the capital of the 18 firms and companies that

have got their head offices outside Bengal. Then of the remaining, 90 per cent. are such that they have business wholly in Bengal and about 10 per cent. are such that have also business outside Bengal but have extensive business interest in Bengal. Now the question is what is the capital of 90 per cent. of these. We have just formed an estimate of the capital of the 10 per cent. that have business outside Bengal. Eliminating the capital for these latter firms the capital would be over 50 crores but nearer 60 crores. What I was further going to submit was that these 220 members whose head offices as I have already said are in Bengal they may to all intents and purposes be taken as domiciled in Bengal. They have settled here for generations; their whole interest is in Bengal and their whole outlook is of Bengal and their interests are absolutely identified with Bengal. I can give you cases in which firms have. ....

*The Hon'ble Mr. Justice Venkatasubba Rao.*—How do these people differ from who belong to the Marwari Association? There is absolutely no difference. There is no difference between a Marwari who is a member of the Marwari Association and a Marwari who is a member of the Indian Chamber of Commerce.

*Q.*—It has been suggested that members of the Marwari Association are for all practical purposes Bengalis whereas the members of the Indian Chamber of Commerce are non-Bengalis. How they do differ?—There is absolutely no difference. There is no doubt of it and Sir Laurie Hammond has personal knowledge of this. For instance Ram Deo Chokany does not become less a Marwari because he is a member of the Marwari Chamber of Commerce.

*The Chairman.*—In your report for 1934 you have not given that list.—That list was supplied when we submitted our first representation.

*Q.*—I gather that the capital of the registered companies who are members of your Chamber is all paid up capital.—Yes, Sir, that is so, but the Government of Bengal have not printed that. In any case it is contained in our report.

*Q.*—Have you a classified list of members of your Chamber according to the nature of business done by them?—Yes, a classified list of members according to the nature of their business together with another list showing the capital of these firms was forwarded to the Government of Bengal. You will find them, Sir, at page xxxv of our Report for 1934. A similar list was also given in our Report for 1932 which we sent to the Government of Bengal when we made our first representation for a seat.

*Q.*—You can perhaps let us have a copy of the earlier report.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Under your classification registered companies, etc. (90 per cent. of 220 would be one classification and the second classification would be the 18 firms having business outside Bengal. Now can you give us a list showing the capital against each of these registered companies, or bodies or individuals doing business in Bengal? If you can do that we shall be in a better position to appreciate your argument.—We shall do that.

*Q.*—The question is whether the 90 per cent. are as much Bengalis as the Marwari members of the Marwari Association.—Absolutely so. I wish some member of the Marwari Association could come and tell me that he is a different kind of Marwari from the Marwari members of the Indian Chamber of Commerce.

*The Chairman.*—One thing that I feel after reading all the papers and going through all the representations which animadverted upon your claim that there is a lot of overlapping, and that possibly members of your Chamber might be members of three Chambers. I rather feel that a good many of the firms mentioned in your list belong probably either to the Marwari Association or to the Bengal Mahajan Sabha or to the Bengal National Chamber of Commerce, or possibly some of them to the Muslim Chamber of Commerce. I quite realise that it is difficult for you to be

able to tell us exactly how many of your members do belong to other bodies. You may know or may not know. If you could give us a list we could check it off. If we could get some idea it would help us. If you are in a position to say that very few of your members are actually members of other Chambers then you will establish and strengthen your claim. Are you in a position to give us a list of your members and say that these members or so many of them have no representation in any other commercial chambers or commercial associations?

*The Hon'ble Mr. Justice Din Muhammad.*—That is, a statement showing the members of your Chamber and also, whether they are members of the Marwari Chamber, the Bengal National Chamber of Commerce or the Muslim Chamber of Commerce—just to show how many of your members are represented in other chambers.—(*Mr. Ojha*) It is difficult to answer that question off-hand, without having a list of membership of these bodies. Generally we do not find a list of members of those associations in their printed reports. But we can say at once that none of our members are members of the Bengal Mahajan Sabha and only about half a dozen are members of the Bengal National Chamber of Commerce.

*The Chairman.*—You were asked all about this in January 1933. So you had plenty of time to make it absolutely clear.—(*Mr. Khaitan*) It was rather difficult, Sir, to get this information. Take for instance the case of the Bengal Mahajan Sabha. We do not get their list of members: of course we do not want to speak against anybody but I think I should be failing in my duty if I did not draw your attention to a confidential letter by the Director General of Commercial Intelligence. (He handed over a copy of the letter to the Chairman). It is impossible to get a list of their members but I can say that none of the members of the Indian Chamber is a member of the Bengal Mahajan Sabha. Then coming to the question of the Marwari Association there are some common members, but here, again, it is difficult to get a list of their members and we could not get any although we asked for it. (*Mr. Ojha*) If we got a list, we could find out correctly the number of common members.

*Q.*—I have here a list from the Muslim Chamber of Commerce which gives the numbers and names of members who are also members of other Chambers of Commerce. There appear to be 50 such members.—(*Mr. Khaitan*) It is easy for them to do so, because the only other Chamber in which they have members is the Indian Chamber of Commerce which publishes their full list of members every year not only in the ordinary way but also classified; so it is easy for them to check it. Some members of the Muslim Chamber of Commerce are members of the Indian Chamber and the Indian Chamber of Commerce is the only body on which there are Muslim members.

*The Hon'ble Mr. Justice Din Muhammad.*—To the Report of the Bengal Mahajan Sabha for 1934-35 is appended a list of members which shows that their membership is now about 301. Their addresses are also given there. They have also given four additional names in an other appendix.—So far as the Indian Chamber is concerned there is no common member between that Chamber and the Bengal Mahajan Sabha. But there are some common members between the Bengal Mahajan Sabha and the Bengal National Chamber of Commerce.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Then you cannot say that your members none of them are in the Bengal Mahajan Sabha?—Yes, we know definitely and absolutely that none of our members are members of the Bengal Mahajan Sabha.

*Q.*—Some of your members are members of the Muslim Chamber of Commerce only.—(*Mr. Ojha*) Big Muhammadan merchants and important members of the Muslim Chamber of Commerce are our members.

*Q.*—I find that there are 29 members common to the Bengal National Chamber and your chamber and 15 Muslims common to the Muslim Chamber and your Chamber.—(*Mr. Khaitan*) That is quite possible, because big Muhammadan merchants are members of the Indian Chamber of Commerce also.



*Q.*—You said that there are no Muslim members in the Bengal National Chamber of Commerce? Are you positive?—Yes, Sir. There may be some in Cawnpore but I am talking of Calcutta.

*Q.*—Some doubt was raised that you are represented in the Bengal National Chamber of Commerce and you say you are not.—Yes, Sir, unless there has been quite recently one or two admissions.

*The Chairman.*—Is the Central Bank of India one of your constituents?—Yes. That Bank is also a member of the Bengal National Chamber of Commerce; but owing to the introduction of a rule it cannot now become a member of the National Chamber of Commerce.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Now no concern whose interests are not solely confined to Bengal can become a member of the Bengal National Chamber.—Yes. These concerns had become members before that rule was changed.—(*Mr. Ojha*) Many of our members were previously members of the Bengal National Chamber but they are not now.

*Q.*—Owing to the rule having been modified all concerns not having their head offices in Bengal are precluded from becoming members of the Bengal National Chamber?—(*Mr. Khaitan*) Yes. (*Mr. Ojha*) They cannot now become members. The year this resolution was adopted and their constitution was revised I was one of their Vice-Presidents. Those of us who opposed the revision of the rule were in a minority but those who were already members were allowed to continue as such.

*Q.*—You say that the rule has no retrospective effect.—Yes. it became operative in the future.

*The Hon'ble Mr. Justice Din Muhammad.*—The rule is that a firm's usual place of business must be situated in Bengal and Assam?—Yes. (*Mr. Khaitan*) That the rule adopted is a very inequitable one is apparent from the fact that their own members do not observe it in respect of themselves. For instance some of their own members have become members of Chambers of other provinces. The President of the Bengal National Chamber, Mr. Nalini Ranjan Sarkar, has a branch of his own company, viz., the Hindusthan Co-operative Insurance Company at Bombay. He is a member of the Indian Merchants' Chamber and his Bombay office Manager, Mr. Mazumdar, is a member of the Indian Merchants Chamber of Bombay, although his head office is in Calcutta. Similar is the case in Madras.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Do you say that although these persons have Chambers in Bombay and Madras, they prevent firms which have head offices in other provinces from becoming members of their Chamber?—Yes, Sir. I may add that no other Chamber, except the Bengal National Chamber, has such a rule.

*Q.*—You say you have been recognised by Government in matters where recognition is not given to other Chambers. Briefly mention those matters?—May I just draw your attention to page 10 of the representation we sent in yesterday. From the summary it will appear that the Indian Chamber of Commerce is the only Indian commercial body which is invited by the Government of Bengal to nominate a representative on the committee appointed by the Government of Bengal to report on the method of levying pilotage fees on the port of Calcutta. The Royal Commission on Labour asked them to appoint Assistant Commissioners for Bengal.

*Q.*—Briefly mention the instances, where special representation not accorded to any other Chamber, has been accorded to you.

*The Hon'ble Mr. Justice Din Muhammad.*—I suggest that at that time Government agreed to the recognition of your body because other Chambers were not then in existence.—No. that is not the case.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—At that time there was no Muslim Chamber of Commerce in existence.—That Chamber only came into existence in 1932.

*Q.*—The Muslims were represented on your body, and the other Chambers was not then in existence.

*The Hon'ble Mr. Justice Din Muhammad.*—Your Chamber came into existence in 1925 and your Articles of Association are dated 1926.—Yes, Sir. The Marwari Association came into existence in 1898.

*Q.*—How many members of the Bengal National Chamber came on to your body?—Very few—half a dozen or at the most a dozen. This recognition was given to us only because as a matter of fact our Chamber was the only body that could properly have dealt with these matters.

*The Chairman.*—When Government wanted expert opinion irrespective of any Chamber they knew where to turn to and they asked us only because you happened to have the best expert advice available.—That is so, Sir.

*Q.*—I put it to you that Mr. Birla was nominated to represent the employers at Geneva at the Geneva International Labour Conference not because of your association or chamber but because of his own outstanding abilities—his being in the position of an expert. You claim that simply because these people happen to be members of your association you have got the best expert advice available.—Sir, the real position is that our Chamber is important because we have men like Mr. Birla, Sir Onkar Mall Jatia, Sir Sarup Chand Hukum Chand and Mr. Ojha, and then the banks and all the important firms and companies. We as a Chamber work through standing sub-committees and to these sub-committees all questions that come up for consideration are referred by our Chamber, because the standing sub-committee can deal with the matter from the point of view of experts and they have persons who are closely acquainted with the subjects and who can bring a practical mind to bear upon that subject. After the matter has been reviewed by a special sub-committee, it comes up before a committee which is constituted of a certain number of persons who are taken in because of their special interest in specific trade and industries; for example matters relating to jute mills, cotton mills, salt and chemicals come up. 21 members of the committee are allotted to special trades and industries; the others represent general trade and commerce interests. Therefore, we have got expert opinion available not only through the sub-committee of experts but also through general committee which sit round the table and bring their point of view to bear upon it so that we are in a position to submit the soundest opinion. I am not saying this of my own accord but I am conveying to you the opinion expressed by the Commerce Member of the Government of Bengal.

*Q.*—You mean to say that the Government turn to you as they knew that you have the best experts available.—Yes, Sir. I may add that our reputation has gone so far as to reach the ears of the Judges of the High Court. I have got here a list of the persons who are exempted from serving on the jury. The Secretary of the Indian Chamber of Commerce is exempted. That is the only Indian body in Bengal whose Secretary has been exempted from serving as a juror.

*Q.*—Perhaps the other bodies did not apply for exemption and they did not get it.—The fact remains that the other bodies are not exempted. It may be that they did approach for exemption.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Does your Chamber issue certificates of origin? Are there other Chambers that are authorised to issue certificates of origin?—The Bengal National Chamber and the Indian Chamber are the only two Indian bodies which can issue such certificates. So far as survey certificates are concerned ours is the only body which can issue such certificates and these certificates are recognised in foreign countries.

*Q.*—What are these certificates?—The certificates I have been referring to must accompany the goods exported to certain countries; and these cannot be absolutely challenged in regard to their correctness.

*Q.*—What is the other matter you wanted to refer to?—That is the tribunal of arbitration. Ours is the only Chamber which can issue survey certificates. These certificates accompany goods exported from India and state the measurements and weights and they are analogous to certificates of origin. These certificates ensure the specification of goods, which is certainly a more responsible work. And as I have already said the Indian Chamber is the only body which has got that right.

*The Chairman.*—How did you get that right? Did you have to apply for it?—It happened in this way. Our members approached us to give survey certificates and the certificates we gave have been recognised in foreign countries.

*Q.*—Did you get it through the Government of India?—No. We got recognition from foreign countries.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Which foreign countries?—I can cite the example of the London Oil Seed and Cattlefood Association which is a very important concern, controlling the whole trade in linseed, groundnuts and other things. We are the only Indian body which holds arbitration in regard to merchants' disputes and contracts. We have held a large number of arbitrations.

*The Chairman.*—Do I take it that the Bengal National Chamber of Commerce cannot do that.—Yes.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Perhaps the Bengal National Chamber has not taken the steps necessary to get it constituted in that way. Yours is the only Chamber that in mercantile contracts is invested with power to arbitrate.—Yes. I may add that every Chamber is very keen to have a tribunal of arbitration, because it adds to the prestige and dignity of the Chamber. It is not every Chamber that can succeed in having a tribunal of arbitration.

*The Hon'ble Mr. Justice Din Muhammad.*—Are you represented on the Federated Chamber of Commerce?—Yes, Sir. I happened to be the Vice-President of that body.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Will you let me know in how many cases your tribunal has arbitrated?—Hundreds of cases; even one case was referred to us by the High Court for arbitration. Although there was no such provision in the contract, the High Court referred the case to us for arbitration. (*Mr. Ojha*) In one word, I may submit we do not mean that other Chambers have not done it; perhaps they did not feel the necessity for it and our members feeling the necessity have been encouraged to do these things.

*The Chairman.*—You are a member of the Federated Chamber and as such you get your vote to the Bengal Council. (*Mr. Khaitan*) The Bengal National Chamber is as much a member of the Federated Indian Chamber as we are. Mr. Sarkar, the present President of the Bengal National Chamber, has been the President of the Federated Indian Chamber and a member of the Committee of the Federation.

*Q.*—This year you are Vice-President of the Indian Chamber and you are just as much a member of the Federation as the Bengal National Chamber is.—Yes, Sir. It is certainly a prestige to be a member of the Federation of the Indian Chamber. The Indian Merchants' Chamber is a member of the Federation and they have got the right to return members both to the Provincial Council and the Legislative Assembly. The Ahmedabad Mills' Association have also got the right to send representatives to the Provincial Legislature as also to the Legislative Assembly, and they are members of the Federation of the Indian Chambers.

*Q.*—Have they got the right under present conditions?—Yes, Sir. I hope this should not go against us.

*Q.*—Oh no!

*The Hon'ble Mr. Justice Din Muhammad.*—Is it your considered opinion that if the Mahajan Sabha or the Marwari Association be deprived of their seats in the Commerce Constituency, the Indian Commerce will not suffer?—Yes. May I submit one point in this connection? In fact these seats are given for the representation of trade, commerce and industry and it is most surprising that the Indian Chamber of Commerce which should justly have been given three seats out of the five—five representatives on the Bengal Legislative Assembly, has not been given even one seat. We always thought that the Indian Chamber of Commerce would at least be given three seats and the remaining two seats to the Bengal National Chamber of Commerce because they belong to this province. To our utter disappointment and keen regret we find that not only that we have not been given three seats but even one seat has not been given to us. In our desperation we approach you for one seat at least, although we feel that, in justice, we are entitled to three.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—That is not our function. If we ask you for an alternative suggestion what would you propose?—We have to consider whether the other bodies represent trade and commerce for which the seats are necessary. Although it is an unpleasant thing I would submit that although the Bengal Mahajan Sabha claim to represent the interests of indigenous banking, they did not give evidence before the Provincial Banking Committee and the Central Banking Committee. Though they pretend to represent the rural interests, they did not give evidence before the Royal Commission on Agriculture.

*The Hon'ble Mr. Justice Din Muhammad.*—Your point is they do not represent the interests of trade and commerce for which representation is required in the provincial Legislative Council?—From the beginning on principle we have not said anything against anybody. (*Mr. Ojha*) We did not want to say anything against any one. I think the local Government will also bear us out in this matter. We only put what these bodies are. (*Mr. Khaitan*) We were congratulated by some members of Government that we are the only body which did not speak one word against anybody.

*Q.*—But indirectly you ignore their existence?—It is because we think, and honestly think, that if these seats are distributed between the Indian Chamber and the National Chamber, trade, commerce and industry will not only be adequately represented, but will also be more properly represented on the provincial council. Unless we are given three seats it will not be possible for us to send representatives representing the different sections of trade, commerce and industry. If I may say by way of illustration, take the case of the Bengal Chamber of Commerce, they have been given so many seats in order that they may adequately be able to represent the different sections of the trade, commerce and industry. Now, if you give us one, we will have to be satisfied: if you do not give us any we will have to remain satisfied. But we need it.

*The Chairman.*—We quite understand your position and appreciate the fact that you have been very careful in avoiding speaking against others?—Yes, Sir. We have tried our best. At the same time on behalf of the Chamber I beg to thank you for the patient hearing you have given us.

**46. Evidence of Mr. Nalini Ranjan Sarkar, Sir Hari Sankar Paul and Mr. D. N. Sen, representing the Bengal National Chamber of Commerce, Calcutta.**

*Calcutta, dated the 18th November 1935.*

*The Chairman.*—You appear on behalf of the Bengal National Chamber of Commerce and your claim is that you want the five seats reserved for Indian commerce and that if these seats are allotted to your Chamber, the other Chambers which are affiliated to your Chamber will be represented?—(*Mr. Sarkar*) Yes.

*Q.*—One of the difficulties is that in the Memorandum of the Articles of Association you do not, as far as I can gather, allow any non-Bengali firm which might have a big interest in the province to become member of your Chamber.—Those firms which have their main centres of activity in Bengal can become members of our Chamber.

*Q.*—Supposing you go to Bombay, although the headquarters of your firm is in Calcutta, and open an important branch in Bombay, the Bombay Chamber allows you to become a member there?—Yes. In one particular instance they have allowed one of our branches to become members of the Indian Merchants' Chamber. I would like to place before you the fact that the condition of things in Bombay is quite different from that of Bengal. There the entire business in commerce and industry is practically in the hands of Indians belonging to the Bombay province. Here in Calcutta most of the business is in the hands of Europeans, Bhatias, and Marwaris who are all non-Bengalis. So if the other provinces, Bombay or Delhi get more representation in our commercial organisations in Bengal we think in the future provincial autonomy of the province our interest will be jeopardised.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Would you shut out all those who are non-Bengalis even though they may have large vested interests in Bengal.—According to the evidence of the Indian Chamber as reported in the newspaper we find that a few firms, viz. 18, are debarred from coming to our Chamber. It is only 18 out of 238. Even 32 firms are now members of our Chamber.

*The Chairman.*—They became members perhaps before the resolution was passed.—Yes. Of the 18 members the Tata Steel and Iron Company is the one and some of the Indian Insurance Companies.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—These Insurance Companies do a large amount of business in Bengal. Take for instance the Oriental Assurance Company which has its headquarters in Bombay but which carries on large operations in Bengal.—Yes. We, the Hindusthan Insurance Company, also operate in Bengal; the Oriental Insurance Company operates in the shape of taking premia. But they take it all to Bombay.

*Q.*—So, it means that the person insuring his life gets the money back in Bengal.—Yes, that is true, but there are other insurance companies, e.g., the Sun Life of Canada, the Manufacturers Insurance Company, the German Insurance Company, which are doing business extending to crores and crores of rupees in Bengal; yet we do not give them representation. I submit it is not necessary for that purpose to have any representation in the provincial council.

*Q.*—For instance take a company like the Oriental Insurance Co. It is a member of the Chamber of Commerce in Madras, of the Chamber of Commerce in Bombay, should it not have a say in Bengal? The point is whether they have a sufficient stake in the province. The reason which led us not to allow any seat or representation to the Japanese and Czechoslovakian concerns which have got extensive stakes in the country will apply to the case of the Oriental Insurance Co.

*Q.*—The gist of your statement is that even those concerns having a large financial stake in the country which have their head office outside Bengal should not be allowed representation?—Yes, that is so.

*Q.*—What about the Sindhia Steamship Co.?—That company is a member of our Chamber. I might make my position clear. I do not want that on the provincial council concerns of other provinces should be given representation even though they may have a large stake in the country. In the same way as you are not giving any representation to the Japanese, the Czechoslavs or Canadians.

*Q.*—You would not give representation to Europeans as they are non-Bengalis?—Yes, we are forced to give it and we have no control over it. May I complete my statement that whether we like or not we have perforce to give seats to Europeans. If that analogy which you suggest is to be repeated, we shall have to give representation to the Bombay people, to the Punjabis, to the Gujratis, as all of them carry on a large amount of business in Bengal, but each one of them has got a separate organisation.

Q.—Therefore the principle upon which representation should be given should not be based on whether a firm is a European or non-Bengali or Bengali, but on whether they have a large business stake in Bengal.—I do not admit it. It has been done by Mr. Ramsay Macdonald. In spite of our protest these people have been given seats.

Q.—Bengal has got more seats than other provinces.—I am speaking of Bengal and I do not know anything of Madras or Bombay.

Q.—19 seats have been given owing to the magnitude of the business on communal grounds—I do not agree. If you accept that principle then you will have to give the Japanese and others representation.

*The Hon'ble Mr. Justice Din Muhammad.*—You must remember the fact that the Japanese and others have been excluded because they are aliens and not on the ground of not having a large stake in the country. They do not possess the nationality which is *sine qua non* for representation.—Then it is for political consideration and not for business interest that these seats are allowed.

*The Chairman.*—The idea of giving seats to the chambers of commerce is to obtain expert advice for legislature. It ought not to be a matter of race, community, religion or domicile. What you really want is to get the best men on a legislature who can deliberate on questions affecting trade and commerce and to give the legislature expert advice. Now, your point is that you are the oldest and premier organisation in Indian commerce in the province of Bengal. Your Chamber was started in 1837 and you say that the Bengal National Chamber has been recognised as the premier organisation run on banking and commercial lines with a long list of associated chambers and organisation and a large membership. I think the Mining Federation was also your member; but it broke away for some reason or other. Your fear is that, as you have a very big stake in the country (the British enterprise have built up their share of the business), you as the head of the Indian commercial organization, are in danger of being squeezed by the British with their very large interests and very large representation, the Marwaris, the non-Bengalis and the Muslim Chamber of Commerce. So you are afraid of the future?—As regards the Muslim Chamber of Commerce, we would not object if it is composed of Bengali Muslims. On the same analogy for instance in Bombay the Marwaris have got a vast stake in the bullion market which is called the Marwari Bazar. The Marwari Chamber of Commerce is affiliated as it has got a large stake in the country; but it does not seek representation. It seeks representation on the Indian Merchants' Chamber—I mean the organization which was initiated by the people of the province.

Q.—Are the Marwaris in Bombay members of the Indian Merchants' Chamber?—Yes.

Q.—Would you accept them here?—Certainly. They were members—at least most of them—of our Chamber. In the case of the Indian Chamber of Commerce, except the 18 stated by them out of the 238, 220 have got the requisite qualification to become members of our National Chamber. As a matter of fact up till 1926 they were members of our Chamber. Then on the passing of the Port Act they started their Indian Chamber in order to get representation on the Port Trust. Mr. Birla was our Vice-President. Some of them were our prominent members. Mr. Khaitan was our member; he represented us on the Eastern Bengal Railway.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—It seems unfortunate that there are these separate organisations.—Those who come to Bengal for business want to be separate entities. They do not want to mix with us. Some of the Marwaris have got "Orthodox Marwari Association" and others have got Marwari Liberal Association.

Q.—Now that they have seceded it is impossible for them to get back to your Chamber.—I do not think so. Mr. Birla was our member up till 1928, when he resigned. I am sure in another two months time he will come back to us if we

approach him. There is no difficulty about Mr. Khaitan or Sir Sarupchand Hukumchand or Mr. Jatia, because they have all got their head offices in Bengal, and they have got a stake in Bengal.

*The Chairman.*—What about the Bengal Mahajan Sabha?—They are all Bengalis.

*Q.*—Can they become your members?—Those who carry on a big trade can become our members; but some of them represent the petty trade interests in Bengal. I do not know what they do but they say they represent the petty traders. We do not include petty traders. But as I have said, some of them may become our members. As a matter of fact their present President, Maharaja Srish Chandra Nandi, has been returned to the Bengal Council as our representative.

*Q.*—Am I right in saying that bigger interests in the Bengal Mahajan Sabha can become members of your Chamber and would you accept them?—Yes. When we claim five seats we do not intend that we shall keep all these seats ourselves. We made it clear to His Excellency the Governor. We wanted the seats in order to have a strong organisation in Bengal, and we could reserve seats for all the interests. Our point is however that the Bengal Mahajan Sabha does not entirely represent the petty traders, because there are a lot of associations, e.g., the Tippera Merchants' Association, the Faridpur Merchants' Association which are all affiliated to us. If we had all these five seats we could reserve one seat for the petty traders, but as I have said, the Bengal Mahajan Sabha representing the petty traders cannot directly become our members.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Is it true that they are petty traders?—Yes. It shows from their working that they never stood for anything. They claim to represent indigenous trades because some of them are mahajans. But they have not discharged their duty because both before the Provincial Banking Enquiry Committee or the Central Banking Enquiry Committee they did not take any interest to protect the interests of mahajans.

*The Chairman.*—Did they submit a written memorandum?—Yes, they submitted a written memorandum.

*Q.*—Did they give evidence?—No.

*The Hon'ble Mr. Justice Din Muhammad.*—In other words they are money-lenders and shop-keepers?—They have retail shops, silk shops, oilman stores, etc.

*Q.*—Are they big enough as bankers? What is the extent of the capital they invest?—They have retail shops and they advance money to the agriculturists. But it is very difficult for me to state the total amount because individuals and firms are concerned.

*Q.*—What interests does the Marwari Association represent?—I have not a clear idea, but I think they represent section of the trade. From Mr. Khaitan's evidence before this committee and from enquiries I have made since, this association is mainly a social body. I cannot however vouch for this.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—What is the trade the Marwari merchants carry on?—They carry on almost every trade.

*The Hon'ble Mr. Justice Din Muhammad.*—Are these Marwaris your members?—Very few of them. Before 1926 we had a lot of Marwaris. They have since gone over to the Indian Chamber, their own association.

*Q.*—May I know how many members of your Chamber are engaged in the import, export and coastal trade?—As regards coastal trade except the Scindhia Steam Navigation Co. and the Rivers Steam Navigation Co., we have not any, and we have not many engaged in the export trade. But we have a lot engaged in the import trade. I would ask you to realise that in the whole of our international trade the Indians represent only 12 to 15 per cent. and the remaining 85 to 88 per cent. is represented by the European organisations and European firms. In the

international trade Indians have got very little share. As regards the coastal trade, there is only one, namely the Scindhia Steam Navigation Co. which is engaged in coastal trade and it is a member of both the Chambers.

*Q.*—We are informed that the Muslim Chamber of Commerce occupies a definite position in the import, export and coastal trade and that is one of the reasons they advanced for separate representation.—Separate representation is necessary, and I think the Bengal National Chamber of Commerce represent a larger share of the import trade than the Muslim Chamber; as I have not got the figures I cannot challenge their statement.

*Q.*—Their allegation is that out of the total shipments the Muslim merchants represent over 71 per cent. in regard to jute bags, over 68 per cent. in regard to jute cloths, about 100 per cent. in cow and buffaloe hides and over 87 per cent. in reptiles skins and 71 per cent. rice. Can you challenge these figures?—As I have not got the figures I cannot scrutinise them. But as regards rice I can challenge it. The oldest and the biggest rice merchants association are engaged in the export trade and they are of more than 40 years standing but these percentages I cannot understand. As I have said, of the total international trade only about 15 per cent. is represented by Indians.

*Q.*—Muslim Chamber claims its share with reference to the Indian export alone.—As I have not verified the figures I cannot say whether they are correct.

*The Chairman.*—The Indian Mining Federation was at one time a member of the Bengal National Chamber.—Yes. When the first Delimitation Committee was sitting they were our members. Then they seceded from us with the object of getting one seat allotted to them.

*Q.*—I understand that the Indian Coal Owner's Association is affiliated to your Chamber as well as to the Indian Chamber. There seems to be great deal of over-lapping.—Sir, I can explain this matter in this way. So far as the Indian Mining Federation is concerned it is after all a section only of the coal trade. There is the great European interest represented by the Indian Mining Association. Then as regards Indian Colliery owners one section of them is composed of Bengalis and the other section is composed of Bhatias and Gujratis. The latter—the Indian Collieries Association—is affiliated to us and the Bengali section is running as a separate organization—the Indian Mining Federation. About the Indian Mining Federation I may state that some prominent members of that body are still our members—I think 18 of them are our members still. Their president is a member of our committee and their present president was returned to the Bengal Legislative Council with our Franchise. Some of the prominent members represent us on the port trust, on the coal grading board, the railway conference and many other institutions. So long as they were on our chamber we gave them every opportunity for representation if we find any body to be fit we send him to the council, port trust or railways.

*Q.*—These people used to be returned as they were members of a big body but since then they have split up and I think you want to stop disintegration. Suppose I am rightly saying that if your ambitions were realised and you got four or five seats placed at your disposal those associations which had seceded from you would come back and join you.—Yes, quite so.

*Q.*—Then when matters concerning trade or industry came up before the Council you would be able to speak with much stronger voice for the Indian side as against the European side and there would be more chance of amalgamating the interests instead of working in two separate bodies.—Yes, Sir, that is our point. About the Muhammadans I do not want to say anything as I feel confident that they are sure to get one seat. What I object to is that Sir Halim Ghuznavi in giving his evidence said something which is not accurate. He said that they went out of the Bengal National Chamber because Muslim interests were not protected and they were not given opportunities. I want to place before



you the fact that from the earliest date in 1887 when this Chamber was first established the Muhammadan members when available were given places of honour and great opportunities; for instance our Vice-President in 1887 was Hadji Noor Muhammad Zachriah; there were 3 or 4 Muhammadans also on the Committee of the Chamber; and inspite of that he was made Vice-President of our Chamber; at that time the Committee member was Hadji Ismail Khan Muhammad and he continued to be on it for four or five years: Khan Bahadur Mirza Sujjait Ali Beg was also our Vice-President. In the mid-period Hossain Manoojee was our Committee member, and recently Muhammad Ali Manoojee was our Committee member.

Q.—For all these years you had Muhammadans always as your Vice-President?—Not always, but occasionally, when best men were available. But until the Muslim chamber was started no Muhammadan firm ever approached us to become a member of the Bengal National Chamber. I can assure you that Sir Halim will never be able to prove that we ever rejected any application made by any *bona fide* Muhammadan merchant. Even now as our auditors we have appointed Messrs. S. Zaman and Co., Chartered Accountants and this will show that we have no bias against Muhammadans. And Sir Halim ought to know himself how in his business connections and interests he has associated with Hindus. When he was a jute merchant he was financed by Hindus and he is carrying on his present business in association with Hindus; in business matters between Hindus and Muslims we have never made any distinction.

*The Hon'ble Mr. Justice Din Muhammad.*—In your supplementary memorandum dealing with the Federal Assembly seat you ask that the seat should be allotted to the Bengal National Chamber alone?—That is also what the Lothian Committee said and this is our contention also.

Q.—You say that even if an electoral college is formed it should be confined to those individuals who are domiciled in Bengal and those firms which have their business concerns in Bengal. That is what you contend?—This is in pursuance of the same policy. In the Federal Assembly there is bound to be provincial jealousy; if by our votes some non Bengali goes to the Federal Assembly our interests might be jeopardised as was done in a former occasion.

*The Chairman.*—You go back a few years before that. I remember that there was a very keen debate regarding the Meston Award. It went entirely on provincial lines. Madras said one thing and Bombay another and Bengal yet another too?—So we want that every province should be represented.

Q.—You are afraid that you might get an element in the Federal legislature from Bengal whose real interest may not be with Bengal but with Bombay, which might be detrimental to the interests of Bengal?—Yes. Since we submitted our memorandum to the Provincial Committee and to your Committee some evidence has been given about the status and expert knowledge of our Chamber. So far as status is concerned we claim that our Chamber being the oldest not only in Bengal but even in the whole of India should be given a special seat. We claim that our association represents indigenous interests more than any other Chamber. It is said that the Commerce Member of the Government of Bengal blessed a certain Chamber; in that connection I may also say that not only he but also the Finance Member of the Government of India not only blessed this Chamber on more than one occasion but mentioned it in his Budget speech. Not only Hon'ble Members of Government, but also two or three Viceroy's very kindly said that our Chamber fully represented Bengal's interests. Sir John Anderson in unveiling the portrait of one of the prominent deceased members of our Chamber said that we had a very good status. If you want to determine status by work, then I take the privilege of presenting to you the last three years' working reports of our Chamber that will show that we have done very good work so far as this province is concerned.

Q.—You have nominated experts to assist and advise Government?—Whenever the local Government as well as the Government of India wanted our advice we gave our advice and we initiated discussion on the commercial as well as on the financial problems of the country.

Q.—But I think the Bengal Chamber of Commerce has a monopoly of arbitration in the matter of Indian trade and commerce?—Yes. Our arbitration is in the hands of our Solicitors now. It will be complete in two or three months.

Q.—That line is justified because you have not yet got any arbitration court?

*The Hon'ble Mr. Justice Vankatasubba Rao.*—The Indian Chamber has made another claim: They state that they issue certificates of origin?—We also do that.

*The Hon'ble Mr. Justice Din Muhammad.*—What about Survey certificates?—They give survey certificates but we do not, because in the matter of exports they do more business.

*The Hon'ble Mr. Justice Vankatasubba Rao.*—I quite follow you.—So far as the indigenous industries are concerned I do not think they represent them more than we. Many associations have submitted memoranda supporting our claim; for instance, the Planters' Association of Jalpaiguri.

Q.—I am not going into that. I find that there are only two bodies that can issue certificates of origin?—Yes.

Q.—And so far as the Indian association is concerned it is only the Indian Chamber of Commerce that can issue survey certificates? Dismiss from your mind all questions of Bengali and non-Bengali and communal considerations, and say which is the association purely from a commercial point of view that in your opinion deserves one seat or more along with you in the whole of Bengal?—So far as Bengal is concerned we must give the Bengalis a predominant position they being the children of the soil; they must have at least three seats in the Bengal Legislative Assembly and of course one seat will go to the Muslim Chamber; there remains only.....

Q.—Why do you say 'of course'?—Having regard to the present condition of things I use that word.

Q.—I expressly asked you to disregard all communal considerations and say purely from the business point of view to whom should the other two seats go. So why do you assume that the Muslim Chamber will get one?—I was analysing as I thought that the Chairman asked me to make a constructive suggestion.

Q.—What is your frank opinion?—If you give representation to any non-Bengali association I think it should go to the Indian Chamber. I must have for the Bengalis at least three and two between the Muhammadan Chamber and the Indian Chamber. So far as the Indian Chamber is concerned by themselves they are nothing. Under your suggested arrangement of things out of 238 Bengalis 38 are Bengalis so that they get only 10 per cent. representation but most of them are members of the Bengal National. Supposing the Muslim Chamber is given a seat 21 go out because there are 21 Muhammadan members in the Indian Chamber of Commerce. When communal claims are recognised they ought to get their representation through the Muslim Chamber of Commerce.

Q.—Your question presupposes that communal claims are being recognised.—I said two of the three.

Q.—Supposing we are so minded, what is your suggestion?—My suggestion is that two should go to the Indian Chamber and three to the Bengal National. That is all that we want.

*The Chairman.*—Supposing we recognise that you are the premier Chamber and that you have a claim to one or more seats. The Government of Bengal have given you two—and perhaps you might be given three—of course that is a hypothetical case—where would you take that seat from either from the Mahajan Sabha or the Marwari Association?—From the Mahajan Sabha. The Sabha consists of petty traders and retail dealers; and their representative may get through the Bengal National Chamber. We can allow one seat to be reserved for the petty traders.

Q.—You say that they can get satisfactory representation in that way?—I think the requirements of commerce will be satisfied by this means.

*The Hon'ble Mr. Justice Din Muhammad.*—Of these three bodies, the Marwari Association, the Mahajan Sabha and the Muslim Chamber, which one of them represents commercial interests better?—In matters of finance, trade and commerce of course the Muslim Chamber. What I want to explain is that as a practical solution, now that there is great overlapping as the Chairman has suggested the Indian Chamber is practically composed of 4 interests: Bengalis 38, 121 Marwaris, 21 Muhammadans and 57 Gujratis. If seats are allotted on sectional basis of course the Muhammadans will go on to the Muhammadan Chamber. The Bengal Mahajans can get their representation through our Chamber (as most of them are members of our Chamber). Then there only remain now the Marwari and the Gujrati members of the Indian Chamber. It would seem that the Marwaris would be getting representation in two ways: so what I say is that the Indian Chamber minus the Bengalis and Marwaris combined can represent all the Hindu non-Bengali interests. The activities of the Indian Chamber are much more brisk and scientific than those of the Marwari Association.

*The Chairman.*—I think you put your case very clearly and I appreciate your point of view.—I want to place before you now a certain frank statement of facts. I do not know whether there is justification for it in every case but it is a fact nonetheless that there is a great feeling in Bengal due to various causes against non-Bengali business men. But personally I do not believe in these things because I am working in quite good spirit with Mr. Birla and Mr. Daoodi and Mr. Rajabali, but the fact remains that there is an estrangement of feeling between Bengalis and non-Bengalis. If your committee—I hope your committee will pardon my impertinence—shift Bengalis to the background then this bitterness would be perpetuated and accentuated.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—We avoided asking questions on communal lines. I understand from your evidence that you want predominance of the Bengali representation, marking a difference between Bengali and non-Bengali: It is you yourself who introduce this unfortunate distinctions.—That antagonism cannot be stopped by taking everything from the Bengalis and giving it to the non-Bengalis. That is what I want to place before the Committee. Considering all these circumstances I hope your Committee will put the Bengalis in a better position.

*The Hon'ble Mr. Justice Din Muhammad.*—Your point is simply this that while dealing with Bengal, the Bengali interests must not be sacrificed at the altar of non-Bengali interests?—Yes, we must have a predominant position in our own province.

*The Chairman.*—The Marwari Association as I understand it was in the days of Sir John Woodburn a great deal more influential than it is today; they did a lot of philanthropic work.—Yes, Sir, I have heard of that. But now they base their claim on the fact that they are Marwaris and that they do good business in trade and commerce all over India. But what I say is that let that claim be divided between the two; let them jointly claim a seat along with the Indian Chamber. Because if representation is given to them under the auspices of the Indian Chamber they will be able to put in more work than what they could as a separate Marwari organisation.

*The Hon'ble Mr. Justice Din Muhammad.*—Your point is that Marwari interests would be better and more effectively served through the Indian Chamber than through the Marwari Association?—Yes, that is what I think.

47. Evidence of Babu Ananda Mohan Poddar and Babu Aswini Kumar Ghose representing the Bengal Mahajan Sabha, Calcutta.

*Calcutta, dated the 19th November 1935.*

*The Chairman.*—We have got your statement and we have got your evidence before the provincial Committee. I gather the Bengal Mahajan Sabha represents indigenous banking interests in the mofussal.—(*Mr. Poddar*) I beg to submit that my Sabha is the only association representing the purely Bengali internal traders and indigenous bankers.

*Q.*—Leaving aside the question of purely indigenous banking in the mofussal like Dacca, Rajshahi and Chittagong, etc., would you say that you do more banking trade than the Marwari Chamber of Commerce?—Ours is a body of indigenous bankers and traders; we represent what are called the *chalanis* merchant who purchase their goods in the prominent ports like Chittagong and Calcutta and distribute them amongst the actual dealers through their different selling depots in different districts and mofussal towns and market places on a wholesale basis. Thus we do more banking and trade than the Marwaris. In this connection I would like to refer to our memorandum at page 9 of the Advisory Committee's report.

*Q.*—Did your Sabha give evidence before the Provincial Banking Enquiry Committee? Or did you send any memorandum?—(*Mr. Ghose*) We were not invited to give evidence but we fully co-operated with that committee.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Did you submit any memorandum to the Central Banking Enquiry Committee?—(*Mr. Ghose*) We understood from our former Secretary that here too we fully co-operated with the Committee.

*Q.*—So you did not submit any memorandum to the Central Banking Enquiry Committee.—(*Mr. Poddar*) We enquired from our former Secretary and he said that as he fell seriously ill it was impossible for him at the time to submit the memorandum.

*The Chairman.*—In your statement you say that “though there are different loan agencies such as zamindars, rent receivers, Co-operative Societies, Government, etc., and loan offices, the rural population of Bengal mainly depend on the indigenous bankers or mahajans for all sorts of loan and finance. It may be safely asserted that 75 per cent. of the agricultural loan is due to the village money-lenders and if the agricultural indebtedness of Bengal be estimated at Rs. 100 crores the value of the Mahajan's investment therein comes to Rs. 75 crores.” If that is so, I cannot understand why your Sabha which must have been extensively connected with the indebtedness of the peasantry of this province was not asked to give evidence or to submit a memorandum to that Committee.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—It appears that you submitted memoranda neither to the Central nor to the Provincial Banking Enquiry Committee.—(*Mr. Poddar*) The fact is that we are not bankers pure and simple: we are traders mainly, and as a matter of fact we are more concerned with inland trade than in indigenous banking.

*Q.*—I am not finding fault with you but am trying to understand facts. There is nothing in the official record to show that any memorandum was sent.—So far as I could ascertain we were not invited to do so.

*Q.*—What about the Agricultural Commission? Here too you did not give any evidence?—(*Mr. Ghose*) We understand from our past Secretary that we did submit a memorandum but did not give evidence.

*Q.*—We are now concerned with the interest you possess in the banking in Bengal and therefore the question becomes relevant relating to the Banking Enquiry Committees. Again the Bengal National Chamber strongly urges that you do not

deserve a seat because you represent indigenous interests and they too the same interests. So would that be duplication?—Any scrutiny of the members' list of the Bengal National Chamber will show that their mofussal members are almost non-existent and they base their claim on the inclusion of two merchant Associations from the mofussal, one from Chittagong and one from Faridpur.

*Q.*—Mr. Sarkar in his evidence described you as petty traders and petty money-lenders.—(*Mr. Poddar*) Mr. Sarkar has mentioned two of the affiliated trades associations at Faridpur and at Tippera. I beg to be excused if I claim an intimate knowledge of the rural traders of Bengal. I can say that I was not so long aware of the existence of these two associations. Their latest report shows that they were affiliated to their Chamber only a few months ago. In this connection I beg to submit that Mr. Sarkar has in view of the impending constitutional reforms devised a scheme to capture all the 5 seats available for Indian commerce and probably that is why he has set up these associations and got them affiliated to his Chamber. As regards his remark that we are petty traders and retail dealers, I would submit that we claim to represent the prominent and wealthy merchants of Bengal and any scrutiny of the membership list will show that. Our interests are in no way identical and that is why we have been recognised as a separate entity under the Reforms.

*Q.*—Have you published your annual reports?—Yes, we publish our reports every year and copies thereof have been duly supplied to the Reforms Commissioner.

*Q.*—Your President is a member of the Bengal National Chamber?—Yes.

*The Chairman.*—Maharaja Sris Chandra Nandy, who is a member of your Sabha, is also a member of the Bengal National?—Yes.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Your past President Maharaja Sris Chandra Nandy was returned to the Council by the constituency of the Bengal National Chamber?—Yes. But in this connection I would say that there are only three or four common members. Mr. Sarkar, President of the Bengal National also happens to be a member of my Sabha. With regard to his uncharitable remark that we represent petty shopkeepers and retail dealers I may say that the members of the oldest and most noted Bengali merchant families are almost all of them members of our Sabha, and that Mr. Sarkar's Chamber represents mostly the limited companies including banks and loan offices and some industrial concerns but I am constrained to mention that his Chamber also represents some sections that are no business men at all but we are all *bona fide* merchants of long standing, doing business from generation to generation, and almost all the prominent merchants of mofussal towns are members of our Sabha.

*The Chairman.*—I find that out of 38 Executive members of your Sabha about 9 or 10 are lawyers and not traders?—Their designation is given. They are not actual practitioners but are educated sons of big merchants who after receiving education are engaged in trade.

*Q.*—They are actually engaged in trade?—Yes.

*The Hon'ble Mr. Justice Din Muhammad.*—How do you contend that your interests differ from those of the Bengal National?—We are inland traders and indigenous bankers and these two interests are not represented in any of the existing associations, not to speak of the Bengal National Chamber of Commerce.

*The Chairman.*—What does the Bengal National Chamber represent?—Mainly some limited companies including banks and loan offices and some industrial concerns. But with regard to the other aspect of Commerce

which includes the export and import business, it is very little represented in the Bengal National Chamber. Not more than 5 per cent. of the Indian export and import trade is represented by the Bengal National Chamber and the rest by the Marwari Association and the Moslem Chamber of Commerce.

*The Hon'ble Mr. Justice Din Muhammad.*—According to you the Bengal National Chamber of Commerce is not entitled to the 2 seats attached to them?—I think it should be allotted one seat for I must say that the representative character of the Chamber has deteriorated to a great extent. Even the members of the Roy family of Bhagyakul the founders of the Chamber have ceased to be members of this Chamber. I may mention that there are some petty shop keepers included in the list to swell the number of membership and in view of the impending reforms it has exaggerated its importance. One other point I would like to mention is that although we had not submitted any memorandum to the Central or Provincial Banking Committees, we participated in almost all the commissions and committees that were set up by the Provincial and Central Governments, such as the Lothian Committee, The Jute Enquiry Committee, Board of Economic Enquiry, etc.

*The Chairman.*—We have got your memorandum. Your claim for separate representation is based on your position as indigenous bankers and traders. In fact you claim to control 75 per cent. of the money-lending business of the Province. That being so what struck us was the fact—which stopped you from coming to the forefront with your evidence before the Central and Provincial Banking Committees. Of all the associations you were certainly in a position to give expert advice.—May I explain the position in this way? The then Secretary of this Sabha, Rai Bahadur Tarit Bhusan Roy, was attacked with apoplexy suddenly; the papers were entrusted to him for necessary action. The Committee thought that the matter would be dealt with properly by the Secretary but owing to the latter's sudden illness nothing was done. (*Mr. Ghosh*) I may add that out of deference to the Congress mandate the Bengal National and The Indian Chamber of Commerce boycotted and did not appear before the Simon Commission and the Indian Franchise Committee. In fact a resolution was passed by the Indian National Congress to vacate seats on all public bodies and in obedience to that mandate the representative of the Bengal National Chamber came out of the Provincial Council. But we have never adopted that policy and have always co-operated with the Government. (*Mr. Poddar*) Sir, I might explain the reason of their political importance. They have got some political leaders as members in their Chamber who have created a great influence there. But I must say that the members of our association are *bona fide* merchants free from politics who have been carrying on business as inland traders from generation to generation for more than a century.

*Q.*—As there were one or two gaps in your memorandum which we thought needed explanation we have asked you about them. You have now filled up those gaps and we have got all the facts and figures on the points on which we wanted information?—I would ask you, Sir, to refer to page 143 of the report of the Bengal National Chamber of Commerce where you will find the names of the Faridpur District's Merchants' Association (No. 3) and the Tippera Chamber of Commerce (No. 18). These two bodies came into existence very recently. These bodies have been induced to set up the claim that they represent inland trade. The Chetla Paddy Merchants' Association is also of recent growth. As to Mr. Sarkar's claim that his Chamber can represent our interest my reply is that it does not represent our interest. There is hardly any member in his Chamber who can be called a prominent trader. There are some petty shop-keepers and some flower-stall keepers whom they describe as mofussal traders. As to the coteries in this chamber enough publicity has been given in the press and if I am allowed I can submit all the press cuttings to the Committee. Everybody knows what one of the Vice-Presidents of the Chamber—Kumar Surendra Nath Law, son of late Raja Rishi Case Law wrote to the press regarding the coteries of this Chamber. The swelling number of

the Membership of the Chamber is due to the inclusion of some insurance agents of Mr. Sarkar's Company—the Hindusthan Insurance Co. I have no objection to Insurance Companies being taken in as members but I fail to see how the employees of an Insurance Company can be said to represent Trade and Commerce specially how flower-stall keepers of Jhajjah and Madhupur? Mr. Jadunath Roy nephew of Raja Janaki Nath Roy of Bhagyakul, was for many years the Honorary Secretary of the Chamber. He said to me that it was a matter of surprise to him that although he had resigned his membership his name was shown on the roll of members. There were about 30 members of the Roy family who were previously members but have since ceased to be members.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Can you send us a supplementary memorandum incorporating the facts you have stated, with cuttings and references.

Mr. Poddar promised to do so.

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### Punjab.

#### 48. Memorandum of the Joint Committee of the Punjab Chamber of Commerce and of the Northern India Chamber of Commerce.

The Joint Committee of the Punjab Chamber of Commerce and of the Northern India Chamber of Commerce gladly avail themselves of the opportunity which the Punjab Government's Press Communiqué dated the 31st August last affords to persons and associations to submit to Government any representations on the subject of the provisional proposals concerning Constituencies for the future Punjab Legislative Assembly. One at least of these proposals is a matter of vital interest to the Chambers and although they have on previous occasions placed their point of view before Government, it is evident that it has not been appreciated sufficiently clearly. They therefore now solicit the consideration of the Reforms Department of the Punjab Government to the points raised in this memorandum. They further request that the memorandum may also kindly be placed before the Delimitation Committee and that the Chambers may be permitted the privilege of appearing before that body and tendering oral evidence. Ever since the introduction of the Montagu-Chelmsford Reforms, commercial interests in the Punjab have been labouring under an unmerited disability, a point which the Joint Committee refer to in some detail subsequently under a more appropriate heading, and the arrangements which are proposed under the new constitution are even more antagonistic to them. The Chambers are therefore anxious to secure an opportunity, before final decisions are arrived at, of presenting orally a full and complete statement of their case to the Delimitation Committee.

With only one of the provisional proposals, namely, that relating to the "Commerce" seat, are the Joint Committee concerned. It is recommended that, if the new Constituency is not to be confined solely to Commerce, a qualification upon the significance of which the Joint Committee comment later, it should consist of (a) the Northern India Chamber of Commerce, the Punjab Chamber of Commerce and the Punjab Trades Association (approximately 139 votes) and (b) Joint Stock Companies registered in the Punjab and having a paid-up capital of Rs. 1 lakh and over (approximately 65 votes).

The origin of this proposal may briefly be traced. Formulating their provisional conclusions on the Punjab Franchise Committee's Report, the Punjab Government prescribed the qualification for inclusion in the Commerce Constituency to be membership of either the Punjab Chamber of Commerce or of the Northern India Chamber of Commerce or of the Trades Association and having a place of business

in the Punjab or being a member of a Company having a place of business in the Punjab and having a paid-up capital of not less than Rs. 25,000. The Punjab Franchise Committee however decided by a majority against the inclusion in the Commerce Constituency of Companies with a paid-up capital of not less than Rs. 25,000. (Para. 29 of the Proceedings of the Provincial Franchise Committee).

The Chambers oppose the provisional proposal to include Companies in the Constituency on the following grounds—

1. That in all proposals preceding the Constitution such an arrangement was not contemplated.
2. That the industries seat having been abolished in the Communal decision the implication is that it is not the intention that industries as such should be represented in the Legislature.
3. That the object of special constituencies is defeated if individual and unorganised interests are coupled with Chambers of Commerce in one constituency.
4. That the representative character of a special constituency is nullified if the return of an independent candidate to that seat is rendered possible.
5. That as the Chambers in themselves adequately represent industrial interests there is no need in this province to enfranchise them separately.
6. That as the intention appears only to be to enfranchise Companies not necessarily industrial concerns the justification for it is not apparent.
7. That there is no precedent in the constitutional and electoral machinery of any province for a constituency of this anomalous character.
8. That having regard to the fact that the status of commercial interests in the Punjab legislature is not commensurate with that enjoyed by Chambers of Commerce in other provinces it is only appropriate that at least this one seat should be reserved to them.

The Chambers deal with each of these points below, as concisely as is possible:

1. That in all proposals preceding the Constitution such an arrangement was not contemplated.

Clause 10 of the Fifth Schedule to the Government of India Act, 1935, taken by itself and stripped of its bearing on previous declarations, would appear to invest delimiting authorities with full powers to prescribe the nature and extent of the Constituencies. The clause reads: "In a province in which any seats are to be filled by representatives of backward areas and backward tribes, representatives of commerce, industry, mining and planting, representatives of landholders, representatives of universities or representatives of labour, persons to fill these seats, and in Bihar the person to fill the Indian Christian seat, shall be chosen in such manner as may be prescribed". But the Joint Committee maintain that the clause cannot be interpreted without regard to the declarations contained in documents which provide the basis for the Government of India Act such as the Communal Decision, the White Paper and the Joint Parliamentary Committee's Report. The Communal Decision in Paragraph 15 laid down that special seats allotted to commerce and industry, mining and planting will be filled by election through Chambers of Commerce and various *Associations*. This declaration was subsequently reaffirmed in the White Paper (Para. 10 of Part I of Appendix III) and in the Joint Parliamentary Committee's Report (Ll. 1, 2, and 3 of page 109). The Joint Committee cannot reconcile the attempt to bring unorganised and individual Joint Stock Companies into a special constituency with the principle enunciated in these documents.



2. That the Industries seat having been abolished in the Communal Decision the implication is that it is not the intention that industries as such should be represented in the legislature.

The Chambers invite attention to the footnote in Appendix V of the White Paper, V Punjab, 2 Franchise for Special Constituencies C. Commerce, which reads "The previously existing Industry Constituency was not retained in the Communal Decision and the franchise for it is accordingly omitted." The Constituency was therefore to be, subject to closer investigation at the stage of delimitation, confined to Commerce. Having regard to this statement the Joint Committee consider that industries cannot justifiably be brought into the Commerce Constituency as the proposal seeks to do. Indeed it appears to them that the recommendation if given effect to would have the effect of circumventing and nullifying a most unequivocal declaration by His Majesty's Government. The Joint Committee are fortified in this view by the obviously hesitant character of the recommendation, as witness the wording of the proposal, "If the new Constituency is not to be confined solely to Commerce" which would appear to indicate that serious doubt is entertained as to the propriety of the recommendation.

3. That the object of Special Constituencies is defeated if individual and unorganised interests are coupled with Chambers of Commerce and Associations in one Constituency.

The object of giving representation to Special Constituencies such as Chambers of Commerce has been described by the Indian Franchise Committee in page 127 *et seq* of its report, a paragraph from which the Joint Committee reproduce below: "320. It is unnecessary to emphasise the importance of securing the presence in these legislatures of men, Indian and European, qualified to speak with knowledge and authority on the economic issues before the legislatures on the bearing of tariff and other laws, on the international market and on the variety of other subjects connected with trade, commerce and industry which call for expert consideration from time to time. The suggestion has been made that the general constituencies can be relied on to return in sufficient numbers members whose experience is such as to enable them to speak with authority on commercial and industrial questions and that special representation for commerce and industry is unnecessary in the new legislatures. We are unable to accept this view. Functional representation is assuming increasing importance under modern conditions, and the arguments in favour of making special provision for the presence in legislative bodies of business and economic experts is in our judgment a strong one. While general constituencies may not infrequently return individuals whose knowledge and experience is such that they can make contributions of value in discussions on commercial and industrial questions, those members speak primarily as representatives of their general constituency, and they may on occasion find that the claims of that constituency are difficult to reconcile with a wholly dispassionate examination of particular economic issues. There is moreover no certainty that persons qualified to speak with authority on these largely technical matters will be returned through the general constituencies. The danger that in the absence of special representation for commerce and industry the new legislatures may find themselves deprived of expert advice when it is most needed is in our view a real one. The civil service which advises the ministers has indeed an expert and intimate knowledge of the ordinary administration of the country. But its members have, as a general rule, no first-hand experience of those great commercial, industrial, and banking undertakings which play a rapidly increasing part in the life of every community in the modern world. It is therefore in our considered view desirable in order that the legislature may be better equipped to deal with economic subjects, that a certain number of seats should be filled by representatives of commerce and industry, who will speak in the legislature from the expert and technical point of view". His Honour Sir Louis Dane, a former Lieutenant Governor of the Punjab, thanking the Punjab Chamber of Commerce on one occasion for affording Government a channel by which they could obtain the focussed opinion of the leading commercial interests of the province said: "It would be a great

convenience to Government especially in connection with the representation on the new Council (under the Indian Councils Act, 1909, to which the Punjab Chamber was granted the privilege of electing a member) to be able to devolve a portion of its arduous task of selecting suitable men upon a body which adequately represented all shades and classes of commercial life. The Joint Committee would point out that were the Constituency confined to the Chambers and the Punjab Trades Association their nominee would speak on behalf of organised interest and in important matters would have the advantage of the considered and co-ordinated views of the Chambers to guide him and so would command the respect and attention of the house whereas an independent member would have to be irresponsible because he would find it practically impossible to ascertain and effectively represent the views of a large number of disconnected interests many of which are even unaware of each other's existence. A member continually in touch with and guided by his Constituency as a representative of the Chambers would naturally be, would be a valuable object lesson in a legislature where for obvious reasons Constituencies are seldom if ever consulted.

4. The representative character of a special constituency is nullified if the return of an independent candidate to the seat is rendered possible. An independent candidate would represent none but himself and not have the representative character of the nominee of the Chambers. Indeed the character of the constituency itself may be changed by the admission of unorganised interests. The likelihood of these interests being exploited by political organisations swayed by political motives is not an altogether improbable eventuality when the constituency though nominally a Commercial one would cease to reflect commercial opinion.

5. That as the Chambers in themselves adequately represent industrial interests there appears to be no need to enfranchise them separately.

Although the Industries seat was abolished in the Communal Decision and industries are therefore not entitled as such to any direct representation in the new Punjab Legislative Assembly, the Joint Committee would state that as the Chambers in themselves adequately represent industries, these interests will not be left entirely unrepresented. For instance, out of a total membership in the Punjab Chamber of 68, no less than 33 are engaged in industrial pursuits, all of them with a paid-up capital considerably in excess of Rs. 1 lakh: eight are engaged in the textile industry, six in transportation, three in flour-milling, three in distilling and brewing, two in electricity supply, two in printing and one each in cement, sugar, potteries, strawboard, stone-lime, colliery, ice-manufacturing, hosiery manufacturing and metal foundry. Similarly in the Northern India Chamber 28 current members are engaged in industries, either solely or in conjunction with commercial interests; four cotton mills, three engineering construction, three printing, three electric supply, two textiles, and one each in sawmill, rosin and turpentine, oil and petrol extraction, distilling and brewing, flour-milling, sugar, transportation, quarrying, match, fruit canning, sports goods, cement, and tanning industries. The great majority of the above interests which are Joint Stock Companies, have a paid-up capital very considerably in excess of Rs. one lakh. The aggregate paid-up capital of all these concerns therefore runs into several crores of rupees. The Chambers therefore claim to speak not only on behalf of organised commercial opinion in the Punjab but equally also of industrial opinion.

6. That as the intention appears only to be to enfranchise companies not necessarily industrial concerns, the justification for the proposal is not apparent.

The proposal obviously has been made with the object of providing some compensation to industries for the loss under the new constitution of the seat which they now hold. While in another place the Joint Committee have characterised the proposal as a step which would have the effect of circumventing and nullifying a most unequivocal declaration by His Majesty's Government, the Chambers now examine the recommendation from another aspect. It will be observed that the Constituency is to include Joint Stock Companies registered in the Punjab and having a paid-up capital of Re. 1 lakh and over, to represent industry. On the

assumption that the Press Communiqué accurately represents Government's provisional conclusion, the Chambers believe that the object of giving representation to industries is not achieved thereby. The conditions which a Company is required to fulfil to qualify itself as a voter are only that it should be registered in the Punjab and that it should further have a paid-up capital of Re. 1 lakh and over but not that it should be engaged in an industrial enterprise. A Company therefore so long as it fulfils these two conditions would appear to be permitted to represent industry although such Company may in fact be a banking, insurance or trading concern. The Chambers would request that the exact intention underlying the proposal may kindly be made known to them.

7. That there is no precedent in the constitutional and electoral machinery of any province for a constituency of this anomalous character.

The Chambers can confidently assert that there is no parallel whatever in the constitution of any other province for a constituency of this character. They wish to draw attention to the character of the industrial representation in other provinces. They are organised industries of great importance to the province and representation is through the respective industrial associations; in Bengal, for instance, the Jute industry and the Colliery industry have been allotted seats through their respective associations; similarly in Bombay, the Textile industry through the Bombay Millowners' Association and the Ahmedabad Millowners' Association; in Madras, the Planting industry through the United Planters' Association of South India; in Assam, through the Assam Tea Planters Association. It will be observed that in no province is a multitude of heterogeneous industries collected together to form a constituency and provided with a seat as is sought to be done in the Punjab.

8. That having regard to the fact that the status of commercial interests in the Punjab legislature is not commensurate with that enjoyed by Chambers of Commerce in other provinces it is only appropriate that at least this one seat should be reserved to the Chambers.

The Chambers append below a table showing the allocation of seats to Commerce in the several provinces under the Indian Councils Act, 1909, the Government of India Act, 1919 and the Government of India Act, 1935.

Province.	Indian Councils Act, 1909.		Government of India Act, 1919.		Government of India Act, 1935.	
	Total seats.	Commerce, Industry, Mining and Planting.	Total seats.	Commerce, Industry, Mining and Planting.	Total seats.	Commerce, Industry, Mining and Planting.
Madras .. .. .	49	4	127	5	215	6
Bombay .. .. .	49	4	111	7	175	7
Bengal .. .. .	54	5	125	15	250	19
Bihar and Orissa .. .. .	45	2	103	3	152	4
United Provinces .. .. .	50	2	123	3	228	3
Punjab .. .. .	27	1	93	2	175	1
Assam .. .. .	26	2	53	6	108	11
Central Provinces .. .. .	26	..	70	2	112	2

The Punjab stands out as the one exception where representation of commercial interests far from being proportionately extended with the enlargement of the Councils, has actually been restricted. With each successive restriction moreover the Constituency has been broadened thus rendering commerce representation less effective. Under the Indian Councils Act, 1909, when the total membership of the Council was 28, the Punjab Chamber held one independent elected seat. In the Punjab Council constituted under the Government of India Act, 1919 the Punjab Chamber was made to share the Commerce seat along with the Punjab Trades Association in a House consisting of 93 members; under the present Government of India Act, the provisional proposal would require the Chambers to share this one seat not only with the Trades Association but also with companies with a paid-up capital of not less than Rs. 1 lakh in an Assembly of 175 members. The Chambers recognise that it has not been feasible to grant to them such representation in the Punjab Legislature as they are legitimately entitled to owing to the disequilibrium which; it is apprehended, would be caused in the delicate adjustment of communal interests by the provision of another seat to them but they would urge that at least this one 'Commerce' seat be confined to the commercial and industrial interests represented by the Chambers and the Trades Association.

Though the Chambers have on all appropriate occasions pressed for an adequate recognition of the important interests they represent, they now request that as some of these considerations have not been urged before and are being put forward for the first time and as the question is one of the greatest importance to them, the Punjab Government may be pleased to give careful and sympathetic consideration to this memorandum.

#### 49. Supplementary memorandum of the Joint Committee of the Punjab Chamber of Commerce and of the Northern India Chamber of Commerce.

In their memorandum submitted to you on the 19th September 1935 the Joint Committee of the Punjab Chamber of Commerce and of the Northern India Chamber of Commerce begged that the Punjab Government may be pleased to delimit the Commerce constituency in the new Punjab Legislative Assembly so as to consist of the two Chambers and the Punjab Trades Association. The Joint Committee have now a further submission to make, namely, that you may be pleased to recommend to the Indian Delimitation Committee that the Northern India Commercial Bodies seat in the Federal Assembly may likewise be allotted to the two Chambers and the Punjab Trades Association.

As the Punjab Government are well aware, the Communal decision allotted only one seat in the Punjab Assembly for representation of commercial interests in place of the two seats reserved for commercial and industrial interests under the Government of India Act, 1919. When the Communal Decision was announced the Chambers sought and obtained on the 30th August 1932 an interview with His Excellency the Acting Governor of the Punjab when the inadequacy of representation of Commercial interests was brought to His Excellency's notice and a request made for remedying the distinctly disadvantageous position in which they were placed. His Excellency appeared to be impressed with the Chamber's request for an enlarged representation but felt that in the Punjab Assembly the position could not, without seriously disturbing the balance of representation between the communities so meticulously worked out by His Majesty's Government, be altered to satisfy the Chambers. His Excellency's own idea of a remedy lay in the grant of adequate representation to the Chambers in the Upper House, or in the event of an Upper House in the Punjab not being created under the new constitution, the grant of a seat in the Federal Legislature. The Chambers fully realised that the complexity of the problem in the Punjab which required the maintenance of a careful balance between communal interests made it extremely unlikely that the Chambers would be given any further representation in the Punjab Council. They thereupon sought to remedy the position by endeavouring to obtain a seat in the Federal Legislature the representation

they could not have in the Provincial Council. They accordingly waited in a deputation upon His Excellency the Viceroy in January 1933 at Calcutta and submitted their case to him. His Excellency was very favourably impressed with the strength of the Chambers' case and promised to consult the Government of the Punjab and the Delhi Administration and then get into touch with the Secretary of State with a view to obtain some remedy for what appeared to His Excellency to be an invidious treatment of commercial interests in the Punjab. It was as a result of this interview, the Chambers presume, that provision was made in the constitution for the allotment of a seat to the Northern India Commercial Bodies. That this belief is justified was confirmed in the course of an interview which the Punjab Chamber of Commerce had with the Hon'ble the Chief Commissioner of Delhi on the 7th February 1933 when he informed the Chamber that from the correspondence passed between him and His Excellency the Viceroy both His Excellency and the Right Honourable the Secretary of State were disposed to allot to the Chambers one seat in the Federal Legislature. The inadequacy of commerce representation in the Punjab was also brought to the notice of the Joint Select Committee in London in July 1933 and the request was also made to them that the Northern India Commercial Bodies seat may be reserved to the Chambers. The written evidence tendered before that Committee forms an annexure to which attention is solicited as it gives a comprehensive statement of the Chambers' case.

The Chambers would greatly value any support the Punjab Government may be pleased to extend to them in their efforts to secure the redress of a long-standing and justifiable grievance. They urge three considerations to show that they fully deserve that support.

1. The inadequacy of commerce representation in the Punjab Council.
2. The absence of any representation of commercial and industrial interests in the Delhi Province owing to Delhi being a centrally administered area and having no legislature of its own.
3. The merit that the suggested delimitation will have in preserving the balance of representation as between European and Indian commercial interests by reason of the fact that the membership of the Chambers and the Trades Association consists approximately of equal numbers of Europeans and Indians. There are altogether eleven Commercial seats in the federal legislature. Eight are to be filled up by the provinces, four of which will be Indian and four European. The remaining three are non-provincial commerce seats, one of which has been allotted to the Associated Chambers of Commerce of India and the other to the Federation of Indian Chambers of Commerce and Industry. There are thus five seats which are definitely European and five which are definitely Indian. The odd seat is the Northern India Commercial Bodies seat which if allotted to the two Chambers and the Punjab Trades Association will maintain, by reason of the fact that the Chambers consist approximately of equal numbers of European and Indian members, the balance between European and Indian Commercial interests in the Federal Legislature.

One point which requires brief mention in this connection is that although the Chambers have hitherto urged that the Northern India Commercial Bodies seat should be allotted only to them, they do not object to the Punjab Trades Association being included in the constituency since the Punjab Government feel strongly that the Punjab Trades Association should form part of the constituency for the provincial commerce seat.

The Chambers have had to wait for fifteen years for an opportunity to occur when the wrong done to commercial interests in the Punjab could be set right and they therefore earnestly request that the occasion may not be lost to afford the Chambers a remedy by allotting to them and the Punjab Trades Association the Northern India Commercial Bodies seat in the Federal legislature. It is a matter of considerable regret to the Chambers that instead of the nature of their composition which represents almost equally of European and Indian business interests working in co-operation entitling them to greater consideration than has been accorded to Chambers constituted purely on racial lines, that constitution has been an impediment to the Chambers securing adequate representation.

The Chambers solicit that their case may be put before the Indian Delimitation Committee.

### Non-Provincial.

#### 50. Evidence of Lala Padampat Singhanian and Mr. D. G. Mulherkar, representing the Federation of Indian Chambers of Commerce.

*New Delhi, dated the 30th December 1935.*

*The Chairman.*—There are one or two little matters that I want to ask your advice about. There are three points in your letter. In the first point you say that you wish to keep the electorate to the membership of Chambers of Commerce so that individuals would not get votes?—(*Mr. Singhanian*) Yes.

*Q.*—The second point is about the minimum financial qualification and on that your Chambers are divided?—The opinions of the various bodies which I have received are divided.

*Q.*—How many Chambers are members of the Federation?—53.

*Q.*—What do you do to satisfy yourself that they are elected by the Committee or members as a whole?—The general procedure of election of our Federation is that when there is going to be any election we ask the member-bodies to choose the person whom they want to elect and thereafter after receiving the names we recirculate those names to all the member-bodies for voting purposes.

*Q.*—If the Tuticorin Chamber of Commerce applied, that would be the procedure?—Yes.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—At present the Federation has no representation in any Legislature?—No.

*Q.*—You form your own Federation in this way? Each member-body sends some representatives; these representatives are on your executive committee?—Yes.

*Q.*—Supposing the Tuticorin Chamber of Commerce wanted to join the Federation, what are the steps taken?—When they apply for affiliation they are affiliated.

*Q.*—Any Chamber can be affiliated?—Really commercial chambers. We have got some standard in the Federation that there should be not less than 25 members in every Chamber-body and when they apply we make inquiry about the *bona fides* of the bodies and the executive of the Federation elect them.

*Q.*—If a body in your opinion is a *bona fide* commercial body, you affiliate it?—Yes.

*Q.*—Any *bona fide* commercial body, the minimum membership being 25.—Yes.

*Q.*—That is the only limit you place?—Yes. (*Mr. Mulherkar*) It is not automatically affiliated; it is considered by the Committee of the Federation.

*Q.*—The body which requires affiliation must consist of 25 members?—Yes.

*The Hon'ble Mr. Justice Din Muhammad.*—It is optional with the executive committee to admit an association even if it has less than 25 members?—In certain cases there may not be 25 members. Certain number of organisations form themselves into a body, for instance, the match industry. There may not be even 25 match factories in India.

*The Chairman.*—The you look into the Memorandum of Association of a body applying for affiliation?—(*Mr. Singhanian*) The Federation do all these things.

*Q.*—Their financial position?—Of course it cannot be looked into by looking into the Memorandum of Association.

*Q.*—Do you make any inquiries?—We enquire from the member of the particular place about the *bona fide* of those bodies. After making all the inquiries then we affiliate them.

*Q.*—We have been going round India and at various places various associations and commercial associations, have applied to us to be recognised on the electorate of the commerce seat and we found it a little difficult sometimes to estimate what the value of that association may be and its standing may be in the commercial world and I was wondering whether we could probably obtain any indication of how you yourself decided those matters.—In the Federation so far as I know we do not go by looking into the financial position of the member-bodies. But we certainly feel that we should have *bona fide* member-bodies as members of the Federation..

*The Hon'ble Mr. Justice Venkatasubba Rao.*—How long has this Federation been in existence now ?—Since 1927.

*Q.*—During the period of 7 or 8 years that it has been now in existence, has there been any instance of any Chamber requesting affiliation and the request not having been complied with ?—(*Mr. Mulherkar*) On more than one occasion.

*Q.*—How many altogether ? You need not be very accurate ?—On two occasions.

*Q.*—I take it that you do not apply very strict standards in the matter of affiliation of these commercial bodies ?—(*Mr. Singhania*) We try to accommodate as much as possible, but where it seems that the body is not a *bona fide* body, the Federation do not affiliate that body.

*Q.*—All that you are concerned with is whether a commercial organisation is a *bona fide* body. If so, you affiliate it ; if it is not you do not affiliate it ?—Yes.

*Q.*—You do not enquire meticulously into the claims of the body which requires affiliation.—No.

*Q.*—On your executive Committee each of these member-bodies is represented by 4 representatives ?—In the general meetings. 4 representatives for electing the executive.

*Q.*—Therefore in the executive of the Federation, each member-body is represented by 4 members ?—No, in the general meeting.

*Q.*—Therefore the general body of your Federation consists of 4 members sent out by each member-body ?—Yes.

*Q.*—Whatever the status or the standing of the member-body is, the number 4 is uniform ?—Yes.

*The Chairman.*—The Bombay Merchants' Association send 4 ?—Yes.

*Q.*—And a small body will also send 4 ?—Yes.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—The South Indian Chamber sends 4 ?—Yes.

*Q.*—Any minor body affiliated to the South Indian Chamber of Commerce likewise sends 4 ?—Yes.

*The Hon'ble Mr. Justice Din Muhammad.*—The election takes place in a regular way. Your Article of Association No. 5 provides that the application is to be placed before the executive committee and it is within the power of the executive committee to refuse or to accept it ?—Yes, quite so.

*Q.*—It is not circulated among the other member-bodies ?—Those members in the annual meeting elect an executive and power is given to the executive committee for affiliating the member-bodies to the Federation.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—According to your answer there are 52 member-bodies in your Federation,  $52 \times 4$  is 208. So 208 would compose the general body and they would elect members to the executive committee ?—Yes.

*Q.*—How many members are there in the executive committee ?—(*Mr. Mulherkar*) We have 21. One President, 2 Treasurers and 12 members of the committee. Then they elect the Vice-President. There are 15 in all. These 208 elect 1 President, 2 Honorary Treasurers, and 12 members of the Committee. 15 in all. These 15 co-opt 6 members.

*Q.*—So the strength of the executive committee is 21 ?—Yes.

*The Hon'ble Mr. Justice Din Muhammad.*—3 constitute a quorum ?—Yes. Members are drawn from all parts of India.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—In regard to these 21, is there any attempt made to see that provinces are represented properly ?—Co-option is meant for that.

*Q.*—To redress inequality that may be disclosed by the election ?—Yes.

*Q.*—So far as possible you see that provinces are represented ?—Yes. Provinces or certain important interests in particular provinces.

*Q.*—That is the object of co-option ?—Yes.

*The Hon'ble Mr. Justice Din Muhammad.*—Then you elect honorary members also, but they do not take part in the general meetings ?—No. They have no vote, neither can they take any part.

*Q.*—Then what are they meant for ?—Sometimes honorary members are required for some special work and when such work arises we take them as honorary members.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—I suppose you are now represented on some committees ? The Federation as such is represented on some committees ?—On a number of committees.

*Q.*—How is the election to these committees held ? That will bring us to the subject with which we are concerned ?—When there is a proposal from the Government of India, we ask member-bodies to nominate or suggest names.

*Q.*—When the Government of India asks you to send up a man for a committee this is the procedure you adopt ?—Yes.

*Q.*—Describe the procedure ?—We ask member-bodies to suggest names.

*Q.*—That takes the place of nomination ?—Yes. After we receive names we circulate to all the member-bodies and ask them to cast their votes and whosoever secures the highest number of votes is elected and the election communicated to the bodies.

*Q.*—I will repeat it to make sure that we understand you. You first of all ask member-bodies to nominate. Nominations are received ; then the names are circulated to all the member-bodies each member-body forwards its vote and that is how votes are taken ?—Yes.

*The Hon'ble Mr. Justice Din Muhammad.*—Whether your member-bodies have four or one vote ?—Yes.

*Q.*—How does each member-body vote ?—(*Mr. Mulherkar*) In our circular letter we make it quite clear that we should like to know whom your committee want to elect.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Supposing 3 nominations are made. Three names are circulated to all the member-bodies. One body sends in A, another B. How do you know that the member-body which sends A has held the election either through the executive committee..... ?—That is procedure for them.

*Q.*—On that matter you are not in a position to say how each member-body votes, what method each member-body adopts for election ?—No.



*Q.*—You are only concerned with this that the member-bodies send up the name by some kind of election which they have themselves adopted ?—Yes.

*Q.*—Will you adopt the same procedure for election to the Legislature ?—In our Memorandum we have suggested that for the election of this seat also we would like that the Federation should stick to the same procedure.

*Q.*—You therefore propose that the same system should obtain in regard to election to the Legislature ?—Yes.

*Q.*—You want to adopt the same method for the non-provincial seat which you are going to fill ?—Yes.

*The Chairman.*—You dislike the idea of having a Government Officer as a registering officer ?—(*Mr. Mulherkar*) Even now under the procedure that exists at present commercial associations are entitled to have their returning officer.

*Q.*—There is no reason why that should go on in the future ?—There has not been any complaint about the working of such a procedure. (*Mr. Singhania*) Certainly I should like to adhere to our present procedure and the present system.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—If you understand the Chairman's question, instead of your sending out requisitions to the various member-bodies Government officer will do so who will be as it were the returning officer for this constituency. He will send the letters and will take care to see that the replies are properly received ?

*The Chairman.*—A little more than that. The Government officer will be first the Registering Officer. You have to show him your books and give him information about your chamber members or member-bodies as you call them. He will then make a list that will give the electoral roll. He will see exactly who are members. You can quite see what will follow, that is to say in years to come when you refuse membership of two associations probably those two associations would write to this officer. They will say "We have applied for admission to this Federation and we have been refused". In other words the Registering Officer to a certain extent would be in a position to tell Government as to who are your members and whom you have refused.—That will be quite a different thing to a seat given to the Federation.

*Q.*—You are talking of elections to the Federal Assembly ?—Yes. In that case what the Federation wants is that it should adhere to our present procedure.

*Q.*—By which it is left entirely to the Federation ?—Yes.

*Q.*—And the Secretary of the Federation is usually put down as the Returning Officer ?—Yes.

*Q.*—In the case of Federation that system may work all right ; in the case of some Chambers of Commerce it may not.

*The Hon'ble Mr. Justice Din Muhammad.*—Where is the remedy against one member-body flooding the poll ? In the United Provinces you have control of 50 or 60 such branch associations. You ask everybody to apply for affiliation. Your executive committee which is working under your control admits everyone of these 50 and you refuse admission to the other members who apply. This means that you flood the poll.—In this case there will be only one vote from that body.

*Q.*—50 can be admitted and 50 others refused.—How is it possible ?

*Q.*—The executive committee under your rule has been given the full discretion to admit or refuse admission to any member that it likes. Is not it so ?—To the member-bodies.

*Q.*—Now supposing 50 associations apply and your executive committee refuses the application of those 50 stranger bodies, but they admit everyone of the 50 associations working under your control ?—How can that be that 50 bodies working under my control can come into the Federation ?

Q.—We were informed that in the United Provinces 50 associations in different names are working under your control?—That is a different thing.

Q.—If you have an association working under A, B and C?—Association cannot be working under one. After all they should be *bona fide* associations. There should be 25 members; how 50 can flood the Federation I cannot understand.

*The Chairman.*—A firm has branches in different parts. Take it that a firm has got 10 branches.—How 10 branches can form an association?

*The Hon'ble Mr. Justice Din Muhammad.*—You say it is within your discretion to admit bodies with less than 25 members.

*The Chairman.*—Take the South Indian Chamber of Commerce down in Madras. There were some 22 or 23 Chambers of Commerce of various kinds, rice merchants and all the rest. Now a good many of them have not applied to you for joining the Federation?—We have got 10 or 11 members from Madras.

Q.—You have got half and probably all of them will be members of the Southern India Chamber of Commerce. What my learned friend is trying to get at is supposing those other 11 applied. They have got more than 25 members. You might refuse them or you might admit them and you may get a large number of Chambers applying all over India. This is rather an important thing. It is not a matter for the Government to say whether you should take them as members or not and I do not think the Registering Officer will come into the picture at all, except to know what is going on to be in a position to give advice to Government. In the same way with the Returning Officer. All he would have to see was to see first that the chambers who form the electorate were members of the Federation.—(*Mr. Mulherkar*) The safeguard will be this. Supposing the President wants to usher 50 bodies from the United Provinces into the Federation, there will be intelligent people on the committee from other provinces; they would not like one to flood the committee like that.

*The Hon'ble Mr. Justice Din Muhammad.*—Your members of the executive committee will be quite independent?—(*Mr. Singhania*) They are always quite independent and the men are drawn from all over India.

Q.—Do they come in person to attend the meetings of the executive committee? Supposing one man is elected from the Punjab, another from Madras and a third from Bombay, when your executive committee meets will everybody come in person?—Yes, they do come.

Q.—You yourself say that your quorum is 3. Three persons can join and decide anything they like.—The quorum is three, but we have never had less than 15 attending the federation committees from all over India. It is a very important body. It is not that 3 men can attend and carry on the work.

*The Chairman.*—You understand now because we come to the second point, that for the purposes of the constituency should we recognise only chambers or as you yourself have recognised in your reply there might be a general electoral roll on which there should be various firms, companies and persons in trade and industry of a certain standing. You suggest that all chambers of commerce should be affiliated?

*The Hon'ble Mr. Justice Venkatasubba Rao.*—The Chairman has asked you the question. You have put forward a suggestion as alternative to the other suggestion you made. There is only one suggestion.

Q.—You say “If the above suggestion is not found agreeable to the members of your committee, the President suggests that there should be a joint electoral roll, \* \* \*” and so on. Therefore the second suggestion takes note of individual member-bodies of your chambers of commerce?—All individual members of the chambers of commerce affiliated to these two bodies.

Q.—Therefore we come back to the individual member-bodies.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—If we do not accept your first proposal, namely that all the member-bodies of your federation should be allowed to vote, then you suggest an alternative, *viz.*, that the members of the member-bodies possessing certain qualifications, should be allowed to do so. In one case the emphasis is upon the member-bodies, in the other case upon the members of the member-bodies.

*The Chairman.*—Under the schedule in the case of the reserved seat for Northern India they say “such commercial bodies in Northern India voting in such manner as may be prescribed.” What are we to understand by “such commercial bodies”.

*The Hon'ble Mr. Justice Din Muhammad.*—The Associated Chambers and the Federation of Indian Chambers.

*The Chairman.*—Now there are perhaps in Northern India some chambers which do not belong to your federation. What about them?—(*Mr. Singhania.*) We have simply made a suggestion. If your Committee decides that instead of taking so many bodies which are already affiliated to the Association or the Federation, we should give the electorate to one or two more bodies or anybody who applies, then in that case we want that the electoral should be such that a person paying such and such tax can be taken.

*Q.*—You have asked us to apply that test for the electoral and it is just precisely that test on which your Federation could not be unanimous in the case of election to the provincial chambers.—(*Mr. Mulherkar.*) We have merely put it down as an alternative.

*Q.*—First of all we asked your opinion about the question of laying down a certain minimum of financial status as an additional qualification in addition to membership of the Chamber of Commerce and your reply back was that your members were not unanimous. You go on then and ask us to apply that very same qualification in the case of any association we might wish to recognise for the Northern Indian seat.—(*Mr. Singhania.*) We only suggested if for this reason that we give an equal vote to such a large number of bodies some of them might complain and say this particular body has got a very small membership and this a very big membership, and therefore we suggest that only such person should form the electoral who have a minimum qualification or finance and paying income-tax.

*The Hon'ble Mr. Justice Din Muhammad.*—Then it comes to this that some safeguard is necessary in order to determine substantial people coming in.—(*Mr. Singhania.*) It is a question of affiliation to either the Association or the Federation. Now in our Federation we have only 6 or 7 bodies affiliated, while to the Associated Chambers there are 2 or 3 bodies affiliated. When you examine the Chambers' witnesses in two or three days' time they might say: We do not agree to the proposal put by the Federation because Federation has got 6 bodies affiliated to them and the Associated Chambers has only got 3. Therefore we have suggested that it may be 3 or 6 bodies but only such persons as possess a minimum qualification can form the electoral.

*The Chairman.*—In other words, the electoral will be formed of individual members of those commercial bodies who comply with a certain standard.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—The qualification you insist upon is, that they should be commercial bodies in Northern India that are already affiliated either to the Federation or the Associated Chambers.

*The Hon'ble Mr. Justice Din Muhammad.*—Don't you think that will be open to the serious objection that one of the non-provincial seats will go to the Federated Chambers, the second to the Associated Chambers, and the third to you both?—(*Mr. Singhania.*) It is going to be a joint seat.

*Q.*—It is not contemplated that it should be a joint seat. Why should it not go to the commercial bodies which are neither affiliated to the Federation or to the Associated Chambers? Why should we ignore these bodies?

*The Hon'ble Mr. Justice Venkatasubba Rao.*—You say that as regards the importance of any particular body, the test is furnished by affiliation to the Association or the Federation. But it need not necessarily be so.—(*Mr. Mulharkar*) If there are such important bodies, they are certainly welcome to it.

*Q.*—Therefore that goes against your proposal.—We believe that at present there are no such bodies at all. That is merely a standard we have laid down.

*Q.*—For instance in the United Provinces and the Punjab there is one association at any rate probably affiliated neither to the one nor to the other, of sufficient importance to be recognised. You cannot have any serious objection to our forming a constituency consisting of all important bodies in Northern India.—(*Mr. Singhania*) Since the Government of India has recognised these two bodies for representing commercial interests in the Assembly, therefore we have suggested that only such bodies should be taken for the Northern India seat who are affiliated to these two bodies.

*The Chairman.*—The point we have to consider is whether that is in fact right and proper, whether there may or may not be outside the Federation or Association bodies who should be recognised.

*The Hon'ble Mr. Justice Din Muhammad.*—Besides, you proceed on the assumption that the Government of India Act refers to your Federation and the Associated Chambers but that is not the case. “Such federated chambers, such associated chambers. . . . as we may prescribe.”

*The Hon'ble Mr. Justice Venkatasubba Rao.*—I think the drafting of Paragraph 23 (d) is not quite happy. The expressions “Associated Chambers,” and “Federated Chambers” are not used in a general sense, but are intended to refer to existing specific bodies. Otherwise, there is no need to use “Associated” in one connection and “Federated” in another. The idea suggested is that they are proper names.

*The Chairman.*—The whole mistake is—supposing a number of Indian bodies now start an organisation, call themselves not Federated Chambers but Associated Chambers, what would you do? What is the method of drawing the distinction between Associated and Federated Chambers? Would a Bill like that recognise any Chambers of Commerce that had not got statutory recognition? Would it recognise a Federation or an Association and give it a monopoly of a constituency where it had not got statutory recognition?—(*Mr. Singhania*) How did they get these things here? Through the Federation and Associated Chambers.

*Q.*—Yes, I remember. There were four in Karachi. You take it that Karachi will come into Northern India?—We consulted the United Provinces and the Punjab.

*Q.*—Did you approach the Bombay Government?—No, the Bombay Government does not come into Northern India.

*Q.*—Do you think the Sind province should be regarded as in Northern India?—No, I do not think that Sind should be taken for constituting this seat in Northern India.

*The Chairman.*—I think myself the meaning is they expect us to give one seat to the Associated Chambers of Commerce and another to the Federated Chambers of Commerce, and that means that they will not recognise any other association or any other federation for the time being. But what about the future?

*The Hon'ble Mr. Justice Venkatasubba Rao.*—If this becomes effete body, it must be open to some authority to take steps.

*The Chairman.*—I think what happens in India is that where there is some internecine feud, the body splits and becomes two bodies. What happens then?

*The Hon'ble Mr. Justice Din Muhammad.*—It happened in the case of the Northern India Chamber of Commerce. There was a split and it became two bodies.—(*Mr. Singhanian*) Well, then, there are two interests here—one European and the other Indian—and it is for you to join them—give them a joint seat.

*The Chairman.*—It is really only of academic interest but what I say is that the Northern India Chamber of Commerce had a row, split into two and were fighting like cats and dogs,—the United Provinces Chamber and the Merchants Chamber of the United Provinces. Now supposing that happened to the Federated Chamber?—But how can it happen? This is a different constitution.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Even so, the Federation may come to grief to-morrow.—(*Mr. Mulharkar*) But then the Government of India would take care of it.

*The Hon'ble Mr. Justice Din Muhammad.*—They have intentionally used those words in order to meet this contingency. Supposing they do not meet. Therefore we have to prescribe that these two bodies have these two seats for the time being. And supposing they become moribund to-morrow or split up or cease to exist, then they will clearly amend the Order in Council.

*The Chairman.*—I take it it is your definite opinion as representing the Federation of Indian Chamber that the chambers or commercial bodies in Karachi or Sind should not be recognised as having the right to be represented or to have a vote in Northern India seat?—(*Mr. Singhanian*) That is my feeling about it.

*The Hon'ble Mr. Justice Din Muhammad.*—We shall have to stick to the geographical position.

*The Chairman.*—Well, if Assam is in Northern India and Bihar is in Northern India, there is no reason why Sind should not be considered as being in Northern India. However, here is a case in point. Supposing for the sake of argument that Sind was recognised as belonging to one of the Northern India provinces, there are two associations there that have applied to us for recognition for the purposes of the Sind Chamber of Commerce constituency that are not affiliated to you?—Therefore we say that the bodies we shall affiliate to our association are the most worthy of recognition—it is a good way of defining their importance.

*Q.*—And paying up Rs. 150 a year to your respective people. Well, we have got your views on that point.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—As regards the seat to be filled by the federated chamber you propose this suggestion to adhere to the method which now obtains. What do you think of—that the election should be filled by a resolution of your executive committee?—Well, I think that will be also quite nice but their member-bodies will not be voting because member-bodies already send their representatives to the general meeting of the executive. That can also be a feasible course.

*Q.*—Do you think it is a better course than the other? I am trying to know whether you would prefer it to the course you have suggested in your memorandum.—I am representing here the views of the Federation and as a representative of the Federation I should adhere to the method which the Federation favour.

*The Chairman.*—We are asking your personal opinion as to the election being left to the Executive of the Federation.—Yes.

*Q.*—It is simpler.—Yes.

*Q.*—It is much simpler and at the same time, as the Executive is also appointed by the member bodies, it commands the confidence of all the member-bodies. Personally, therefore, you would recommend that?—Personally, I would recommend your suggestion.

*The Hon'ble Mr. Justice Din Muhammad.*—That means that any three may send a representative to the Federal Assembly. That is the quorum.—It is not a question of quorum. These things will be referred to all the executive members.

*Q.*—We want to know that. Where is it laid down that in such matters every member of the Committee should be present?—It is not laid down anywhere, but that is the convention. The rules are flexible. How do you think that our Federation is such a small body that only three people will do all these things?

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Your Executive Committee may elect the representative?—There might be two-thirds majority for this particular purpose.

*Q.*—You cannot alter your memorandum?—If you prescribe it.

*Q.*—You mean that you will abide by it?—I think it has to be abided by.

*The Chairman.*—We have no power to alter your memorandum.—If you say, by 2/3rd of the members of the Executive, then they will invite nomination from the member-bodies: they will circulate that name of all the members and whoever gets 2/3rds of the votes will be elected.

*Q.*—What is the idea? Take your Federated Chambers of Commerce. You have got to elect representatives to the Federal Assembly. You send round the lists. Would those lists be simply to the Chambers?—To all the member bodies.

*Q.*—Will the members of those member bodies vote or the executive only?—(*Mr. Mulharkar*) We do not want to know the procedure which they adopt.

*The Chairman.*—What is your view? You think we ought to say that it will be sufficient for the Secretary or the recognised authority of that member-Chamber to write back and tell you that they vote for so-and-so, or ought we to get from each Chamber a list of its members, see which of them are qualified to vote, and then the individual members of what you call member-bodies would vote, not the Chamber itself. You see the difference?—(*Mr. Singhania*) We do not want that practice that members should form an electoral for this purpose.

*The Hon'ble Mr. Justice Din Muhammad.*—For your purpose it will be sufficient if they send you a resolution passed by their Executive Committee or the administrative body. You cannot depend upon the mere word of the Secretary?—We issue the ballot papers and they return the ballot papers.

*Q.*—Who signs it?—The Secretary.

*The Chairman.*—Suppose the ballot paper is sent to the United Provinces Merchants Association. It comes back from them, duly signed by their officer, with a mark against one name. Another way of doing it would be to send out the ballot paper to all the individual members of the Association.—That idea, I do not approve. That will not be practicable for this purpose. Suppose one member-body has got 25 members and another 150 members. The member-body which has got 150 members will sweep out the others, because they will be sending 150 ballot papers.

*Q.*—We are assuming all this time that these individuals, who get the vote in the member-bodies, will be either companies with a capital of Rs. 1 lakh, or firms or individuals assessed to income of Rs. 10,000. They are what you would get practically from the provinces of Punjab, Delhi and the United Provinces, and possibly Sind. You would get all the people there, who were (a) of one of the recognised affiliated Associations and (b) who have that qualification. They would all vote as individuals.—(*Mr. Mulharkar*) You are suggesting this procedure for the Federation seat or the Northern India seat?

*Q.*—I am talking of either.—You have suggested the same procedure which you have just outlined for the Northern India seat. For the Federation seat we are sticking to our proposal of double procedure for the member-bodies. That would not be possible for practical purposes. We have a body in Calicut, another body in Trichinopoly and another in Travancore. It will not be justified also because one member-body may have 200 voters and another may have only 5 voters.

*Q.*—200 people who are paying a high rate of income-tax or who are big companies deserve more weight in the selection of a member than a small company which comprises only 2 or 3 people.—For the Provincial Legislature separate seat is given to the commerce bodies. This seat is given to the Federation to represent and to speak on behalf of all India. Supposing that according to your suggestion, two provinces alone elect, the other provinces will say that the representative is not speaking on their behalf.

*Q.*—I quite see that. What are we to do about the Northern India seat?—There, as you have suggested, it will be the best suggestion, because there this position cannot arise. Only people who have got a definite standing and are members of the various commercial bodies will fill up that seat.

*Q.*—Supposing we say—the Associated Chambers or the Federal Chambers or bodies affiliated either to this or to the other Associated Chamber?—The reason why we have suggested this procedure is that you will have a more recognised body. These are the only two bodies in India who are wedded to the interests on industry and commerce.

*The Hon'ble Mr. Justice Din Muhammad.*—You won't mind any other body even if it is not affiliated to either Chamber?—If you want to take any other body, you can take them in.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—All the bodies in Northern India, whatever the definition of Northern India may be, of a certain standing and stability?

*Q.*—Affiliation to one of the central organisations shows that they are really substantial bodies. Not necessarily. Supposing there are other bodies, they must not be left out.—If you think there is another body who can come before you for recognition and if you feel that it is a good body, you can recognise it.

*The Chairman.*—Who is going to decide in these affiliated Chambers how the votes should be cast?

*The Hon'ble Mr. Justice Venkatasubba Rao.*—It would depend on the rules of the particular Chamber. It would depend on the particular kind of regulations which govern that particular member-body.

*The Chairman.*—Do you think it right to leave it at that?

*The Hon'ble Mr. Justice Venkatasubba Rao.*—I should think so.

*The Chairman.*—Supposing we say—those members of the Associated Chambers who fulfil certain qualifications?—For the Northern India seat I think you must do it.

*Q.*—“By such commercial bodies in Northern India, voting in each case in such a manner as may be prescribed.” That means, you say, that the Associated Chambers of Commerce may vote in one way, that for the Federated Chambers of Commerce we might prescribe voting in another way, and the Northern India might vote in a third way, and you say, “As regards our own Federated Chambers of Commerce, leave it to us:”—Yes.

*Q.*—We will talk it over with the Associated Chambers. Then I come to another point. “Such commercial bodies in Northern India”. Which commercial bodies?—It does not mean individual firms. Commercial associations or chambers.

*Q.*—How are we going to get that? You have suggested that they should be respectable and reliable firms and should have joined one or the other of these Associations. We have also suggested that there should be a qualification over and above that.

*Q.*—What would you prefer? You have got your opportunity to join these Associations, or you can join the federation. If you do not, well then, you are not of sufficient importance to deserve a vote for a federal seat. That is what you prefer?—Yes.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—That would mean a little difficulty. Not only those that are affiliated but those that may get affiliated to-morrow or the day after will have the same privilege.—Yes. When you make these qualifications, and the body is affiliated to the Federation, when the election time comes, they will all be voters.

*The Chairman.*—In the Punjab, we were told that some of the firms in the United Provinces will get their representation through the Federated Chambers and through the Associated Chambers. The Punjab, therefore, put in a claim that Northern India commercial bodies meant the Punjab.—(*Mr. Mulharkar*) Even their bodies are affiliated either to the one or the other. (*Mr. Singhania*) This is an all-India seat.

*Q.*—We had a request from one Association in Bihar that it should be regarded as Northern India.—It is for you to demarcate.

*Q.*—I have to ask the opinion of witnesses.—I feel myself that it should be left between the Punjab and the United Provinces.

*Q.*—You would not call Bihar, Northern India?—No, only Punjab, Delhi and United Provinces. (*Mr. Mulharkar*) Even the Government of India are not sure about Northern India area. How can we express ourselves?

*Q.*—You have places in Bengal where there are snowfalls. Bihar has got snows. It was the Bihar Planters' Association who asked for it.—That is a point demarcated between the various provinces.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—In the Lothian Committee report there is an important recommendation which has not been referred to by any of you in your representations. It is expected that the Federation of Indian Chambers of Commerce should be empowered to elect a member to represent provinces other than Madras, Bombay and Bengal, because they have what are called provincial seats. So also, the Associated Chambers is to elect a member to represent provinces other than the three Presidencies. It is not so stated in the Government of India Act, but that is the recommendation of the Lothian Committee. What is your own view?—I feel that it should not be restricted to only a few provinces. The very object of the Federation will be defeated if this is restricted to chambers outside these three presidencies. This will become representation of 2 or 3 provinces. The Federation is on an all-India basis and we want to send such a representative who can speak on behalf of all-India commercial bodies.

*Q.*—I am not saying you are wrong. I take the same view.—(*Mr. Mulharkar*) We were quite conscious of that recommendation. There is bound to be clash of interests.

*Q.*—You mean that the representatives holding the non-provincial seats are expected to have a wider outlook than those representing any particular province like Madras or Bombay or Bengal?—On occasions where there is a clash of interests.

*Q.*—Therefore you say that that recommendation need not be followed at all?—Yes. (*Mr. Singhania*) Another way of looking at it is this. When a seat is given to all the provinces, and one seat is given to Northern India, why is a seat given to the Federation? Because Federation is an all-India body.

*Q.*—You may also look at it this way. The three non-provincial seats may be captured by the three presidencies and the other provinces will have no representation.—(*Mr. Mulharkar*) The constituencies they represent will be different.

*The Chairman.*—Where are your headquarters?—(*Mr. Singhania*) Where the president happens to live. Every year the president changes.

*Q.*—Is it not the same with the Associated Chambers?—They are between Calcutta and Bombay. Mine personally is Cawnpore.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—You entered the lists against Vikramjit Singh?—We have put a fact. We have not entered the list.



*The Chairman.*—We have not yet come to any conclusion. You have got to think of all possible developments. What is going to happen when your Federation splits into two?—You must think of the time being. We think that our Federation is going to become much stronger. You think it is going to split.

Q.—I hope it won't split. But I fear that it might be broken up.

**51. Evidence of Mr. T. Chapman-Mortimer, M.L.A. and Mr. J. H. Blackwell, M.C., M.L.A., representing the Associated Chambers of Commerce of India.**

*New Delhi, dated the 30th December 1935.*

*The Chairman.*—I think we might begin with your letter of the 23rd December 1935. We wrote making two suggestions, the first being in connection with the admission to the electorate for the seats reserved for representatives of commerce, industry, mining and planting, of individuals as distinct from companies and firms, and to that you take exception. Your view is that no individuals should be allowed to vote in these commerce constituencies but only the registered firms.—(*Mr. Chapman-Mortimer*) We understood that these Chamber seats originally were given because it was desired to secure authoritative representation of organized commercial opinion, both European and Indian, and that was the view of the Southborough and later of the Lothian Committee, and in the Act itself, I think in 23A of the First Schedule, it is specifically mentioned.

Q.—Yes, but we have to prescribe the manner of voting. And leaving aside for the moment the Federal Assembly, what about the Southern India Chamber in Madras. What are we to do there? There are a large number of individuals who are members of the Chamber. Your first point is that individuals as distinct from companies and firms should not be admitted to the electorate?—That is so.

Q.—Even where there are no Associations?—That is what we should prefer.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Take the case of the Bengal Chamber of Commerce. You would not allow any individuals outside that Chamber to exercise right of voting?—Oh no.

*The Chairman.*—But do you wish to prohibit individuals who are not registered firms or companies inside the Chamber from voting? In some Chambers the question would not arise, as individuals are only honorary or associate members and the full members are companies or firms.

*The Hon'ble Mr. Justice Din Muhammad.*—But there are several Chambers, e.g., the Punjab Chamber of Commerce, which admit individuals.—That is so.

*The Chairman.*—That is what I want to get clear. In those cases you object to that individual having a vote?—Well, we should prefer a uniform rule excluding the individual.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Suppose in a Chamber, the members include individuals who are not trading as firms but are traders nevertheless, would you prohibit that individual as a member of a Chamber of Commerce from exercising his vote?—As we understood your letter, your trouble is that there is a danger of Chambers being flooded by a lot of new members who only join for a special purpose, and therefore we felt that if you exclude individuals you are going a long way to eliminate that danger.

Q.—I do not think you quite understand the point at issue. You can take it that we are going to make a rule to ensure that people of no substance will be kept out.—Then it largely depends on the rules you are going to frame.

*The Chairman.*—That brings us to the second point, the principle that we suggest that no individual, even though he may be a member of a Chamber of Commercial Association, should be able to exercise the franchise unless he has been assessed and has paid during the previous 5 years a tax on income derived from

commerce or industry of Rs. 10,000.—(*Mr. Blackwell*) Would it be considered income derived from commerce if it is derived from dividends?

*The Hon'ble Mr. Justice Venkatasubba Rao.*—What is your opinion? Would income derived from dividends be income derived from trade or commerce?—Our opinion is that it is not.

*The Chairman.*—Well, the question is whether such a provision would not meet your objection to individuals inside a Chamber having a vote: that is, if we imposed a financial qualification that such individuals must have been assessed during the past 5 years to an income of not less than Rs. 10,000 derived from commerce?—(*Mr. Chapman-Mortimer*) That would certainly go a long way to achieve the object you set out to achieve. But there are difficulties. If you imposed a restriction of that kind you may penalize certain perfectly *bona fide* firms who through years of trade depression have not been able to make a profit.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Suppose we limited that qualification to payment of tax on an income of Rs. 10,000 derived from commerce in any one year during the previous five, would that meet your difficulty?—Yes. We do not want to exclude any one who is *bona fide* engaged in commerce and industry.

Q.—In your representation you say there are two sections of opinion about this, one says “do not impose any restriction at all”. the other says “have some restriction” and you say that generally the latter view appeared to find favour with the majority. Therefore I am putting forward a more modified view than you were considering in your own Association.—It certainly puts a very different complexion on it. But our difficulty is that we were not united and it makes it extremely awkward for me to give a categorical answer.

*The Chairman.*—We need not trouble you further on that point. Then you say with regard to the Northern India Commercial bodies seat in the Federal Assembly the constituency would be composed of members of the Punjab Chamber of Commerce, the Northern Indian Chamber of Commerce and the Punjab Trades Association, and if the United Provinces be included in this constituency the claims of the Upper India Chamber of Commerce should be recognized. The first point is, do you take Northern India to be the Punjab only or the Punjab and the United Provinces?—During the earlier discussions it was assumed to be only the Punjab, including Delhi.

Q.—Where would the United Provinces get representation in the Federal Assembly, Bengal, Bombay and Madras have their seats; Punjab and the United Provinces have not, nor for that matter has Sind. I think we must include the United Provinces. Well, taking the Punjab and the United Provinces, would you make the electorate the Punjab Chamber of Commerce, the Northern India Chamber of Commerce, the Punjab Trades Association and, from the United Provinces, the Upper India Chamber of Commerce?

*The Hon'ble Mr. Justice Din Muhammad.*—Is it necessary to include the Punjab Trades Association?—That was the original claim put forward by the bodies concerned and supported by the Associated Chambers of Commerce before the Joint Select Committee.

Q.—We are told that those people have nothing to do with either commerce or industry?—(*Mr. Blackwell*) But the members are a stable body.

Q.—This seat is reserved only for members who represent commerce and industry.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Even the Lothian Committee a differentiates between commerce and trade, and this seat is meant for representatives, capable of debating questions of great importance to commerce.

*The Chairman.*—And the membership I take it is small?—(*Mr. Blackwell*) Yes, out of a total voting strength of about 140 for the Punjab bodies, the Trades Association is roughly about 26.

Q.—And what is the strength of the Upper India Chamber of Commerce ?  
—You could put it at approximately just over 60.

Q.—If you have the Punjab Trades in as well you may as well make the seat over to the Punjab and have done with it. The Upper India Chamber would not have a look in. The other way, omitting the Trades Association, it would bring it a little nearer. The difficulty is that each member of these Chambers will have his vote and so the votes will go according to the number of members in the Chamber.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—When you combine a number of Chambers of Commerce, there is no other way of arriving at a satisfactory result ; you must go back to the individual vote.—Quite. The suggestion is that it should be a vote confined to the Punjab and Northern India Chambers of Commerce and the Upper India Chamber, leaving out the Punjab Trades Association ?

Q.—Yes. And would you like Indian Chamber of Commerce to be taken into account for this purpose in the Punjab ?—Well, all the three Chambers mentioned admit Indian members, and two of them have Indian Presidents at the moment the Punjab and the Northern India Chambers.

Q.—What is the proportion of European and Indian members in the Northern India Chamber ?—By the constitution it is fifty fifty, and that is about the normal actual proportion. (*Mr. Chapman-Mortimer*) Actually the Northern India Chamber has a majority of Indians and the Upper India Chamber a majority of Europeans. I cannot give you the actual figures of the latter but in Northern India Chamber there are 28 Indian and 22 European firms.

Q.—So that if these three Chambers are combined there is just about an equal chance of an Indian or European being elected ?—(*Mr. Blackwell*) Yes, there is about a fifty fifty chance each way.

Q.—And they both get on very well together ?—As a member of the Punjab Chamber Managing Committee I can say definitely, yes.

*The Chairman.*—What about foreign firms ? That is a difficulty we have met all over the place. Some of course, like Rallis, have taken out naturalisation papers.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—You have in your Chambers of Commerce some foreign firms, and for your own election purposes have they a vote ?—(*Mr. Chapman-Mortimer*) In the Bombay Chamber they have, but not in Bengal. They are associate members, but they are very few in number.

Q.—They have no power to vote when constituting their own executive committee ?—Speaking off-hand, I do not think they have.

Q.—What is your view in regard to the future, as to voting for a seat in the legislature ?—Our view is that they should have a vote but they cannot stand as candidates.

*The Hon'ble Mr. Justice Din Muhammad.*—It was represented to us that in those cases where they are represented by British subjects they should be allowed to vote.—That suggestion was considered, but we felt that it was not a reasonable argument and we were quite prepared that a vote should be given to any foreign firm, provided it is a reputable firm and a member of the Chamber.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—It may probably be sometimes adverse to the interest of the Britisher or British Indian. Is it not ? Supposing there is a Japanese firm and a Chamber of Commerce. I just want you think about it ?—It is really the Bombay Chamber which is most affected by this. They have a good number of foreign members and their feeling is that they get on very well with foreign members. These are seats to represent European commercial opinion and not sectional opinion : they are paying taxes and they are just as much affected as anyone else by what goes on.

*The Chairman.*—You see no objection to that if we can effect this ?

*The Hon'ble Mr. Justice Venkatasubba Rao.*—We have no power under the Act.—We have had no mandate from the Associated Chambers in this matter and the Chambers would not expect to have all their rules changed, but those who do not admit foreigners except as associates would presumably.....

*Q.*—In the case of election to the legislature we would like to know what your considered opinion is. There is a difference. You may give a foreigner a vote to elect a member of committee. Would you give him a vote when you are making the election to the legislature. Your present opinion is that foreigners even if they are not represented by British or British Indian subjects may be allowed to vote.—If members of the Chamber.

*Q.*—Is it your opinion or the opinion of the Chambers ?—It is the opinion of those Chambers which have expressed an opinion on this matter.

*The Chairman.*—Just before we left about restriction you suggested it might be right to say that the only members should be members whose membership subscription had been paid up to date. I think that reasonable. Then the next point is the qualification of electors and candidates and this is what we heard when we were in Bombay. Now it seems there are two ways of doing it. What Bombay suggest is on page 13. That was the case of Sir Leslie Hudson.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—In the case of European firms especially the changes in the personnel occur so often. Now in the Chamber say Ralli Brothers is entered as a member. On the date of election who is to represent Ralli Brothers is the question. So far as the election is concerned, the right is vested in Ralli Brothers and not in any individual. If Ralli Brothers make a nomination of X or Y, on the date of election X or Y may not be there. One suggestion is therefore anybody who can exercise the ordinary right of the firm may on the date of the poll vote in the name of Ralli Brothers. Don't you think that is a good suggestion ? It makes it very elastic. No representative need be mentioned in advance. That is a simple procedure. On the date of election, Ralli Brothers man goes there and votes. Some people suggested to us that in the case of firms and companies anybody authorised in writing might vote. Supposing a firm authorises its head clerk to vote. Can it be accepted ? The better opinion seems to be that the person who can exercise the rights of membership of the firm can exercise this particular right also, namely, the right of voting.—I agree with you.

*The Chairman.*—It comes up against the Bengal draft rule which is drafted for a special purpose.

*The Hon'ble Mr. Justice Din Muhammad.*—Take a foreign firm. You say that you do not object to the enfranchisement of foreign firms and on the other hand you say that the right of vote must be exercised by a person who ordinarily exercises the right of membership in those firms who will vote then in the case of that foreign firm ?—The man who holds the general power and who is for the time being in India. Someone must have it.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—The rule is so framed as to meet the case which Mr. Justice Din Muhammad has in mind.—On page 13 we read that expression as membership of the Chamber.

*Q.*—It is rights and privileges of membership on behalf of the firm. If we make it clear that a person who ordinarily is authorised to exercise the privileges of membership of the firm shall be the person who shall also exercise this particular right, you will be satisfied ? If there is an ambiguity we will remove it.

*The Chairman.*—Take this draft of the Bengal Order in Council. The proviso says " Provided that a European whose name is included in the electoral roll of any European or commerce and industry constituency " shall also be entitled to vote. That

is meant to cover the case of men willing to serve in the European constituency and your (Mr. Justice Venkatasubba Rao's) proposal will exclude them.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—We are now disussing the position of a firm which is a member of a chamber of commerce. That firm has got a right to exercise. How shall that right be exercised?—Through any member of the firm who can ordinarily exercise the rights of membership of that firm.

*The Chairman.*—I should like to go further and say that any men empowered should be entitled to exercise the right. I do not think anybody is going to be so foolish as to send a head clerk. A man empowered by a firm to represent it enables him to become a candidate.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Supposing the firm employs a solicitor to represent it he can both be a voter and candidate. I do not know what may happen in regard to European Chambers of Commerce and European firms. If you extend the principle to Indian firms I can foresee the danger. The solicitor the head clerk may become a candidate and that is what we are trying to avoid. We are now thinking of European commerce as distinct from European seat.—We agree with you on that point.

*Q.*—In regard to European seat, it is quite another matter; we are not dealing with it.

*The Chairman.*—The proviso in the Bengal note is put obviously with a view to provide candidates for European seats. To that extent you restrict the field of candidates. I am thinking of a concrete case in Bombay where a member for the European constituency gets in because he is on the list of commercial representatives.—I am not familiar with the Bombay rules as at present existing, but I am fairly familiar with those in Bengal, and as I understand it, if I were on the Chamber roll in Bengal I could not go forward for the general European constituency.

*The Hon'ble Mr. Justice Din Muhammad.*—Take a concrete case. Who in your opinion should vote in the case of Whiteaway Laidlaw & Co.?—Someone holding general power such as was described.

*Q.*—Someone who exercises the ordinary rights of membership of the firm.—That is so.

*Q.*—Supposing they have no member here and no person who ordinarily exercises the rights of membership of the firm. They have only a manager here who is only empowered to sign for them in the course of their business.—They must have someone who has a power of attorney.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Take any firm which has its headquarters in England or a small limited company, a private firm. The gentleman who is sent over to India is authorised to exercise all the rights of that firm in India; otherwise you cannot carry on business?—We shall so word the rule as to bring out that point—that gentleman who is authorised to carry on business in the ordinary course on behalf of that firm shall be entitled to exercise the right.

*The Chairman.*—You are not going to allow him to sign for the firm, *per pro*.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—You know the power of attorney which authorises one to file a single suit, and the power of attorney which authorises one to carry on business including the filing of the suit. I want the latter class, not the former.—That is what we want.

*The Chairman.*—It reduces the number of members available for the European constituency by virtue of being on the commerce constituency of the roll.—In so far as it relates to the commerce constituency, but as I understand the question which we have just answered does not affect the European general constituency. I may not have full power of the firm, but I may be on the European general roll.

*Q.*—Supposing you did not have that restriction of membership and there is trouble in getting a candidate for the European constituency, you want to get some one retired like Sir Leslie Hudson. He has got no residence.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Nobody will be on the commerce constituency, excepting the firm: he will not be on the register.—May I just take up that point? I understood you to pin us down to this question of individuals having the right to vote on commerce seats and we said that we were authorised by the Chambers to oppose that. You suggested there might be a better way and certain individuals should have the right. If an individual had a right of vote on the chamber he would have a right to vote, the representative of a company or firm would have a right to vote. In the case you suggest he will be a member of the chamber.

*The Chairman.*—According to Mr. Justice Venkatasubba Rao's interpretation he would limit it to a member of the firm.—Someone holding general power for the time being.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—The gentleman who represents, say Ralli Brothers, in all business transactions under a power of attorney from the head office.

*The Chairman.*—Well then, supposing you wanted to use anybody who was not a member of the firm, could you name him?—He would be a member of the Chamber of Commerce and under your own suggestion he would be entitled to vote.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—You want a man who has nothing to do with trade.

*The Chairman.*—According to Mr. Justice Venkatasubba Rao's interpretation of the Bombay rule, if a man were to accept....

All I am doing is to point out that by accepting that you deliberately limit the field of candidature for the European constituency.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—You are taking the case of a man who is not a commerce man.

*The Chairman.*—Take the case put to us in Bombay, of a man who has retired. Supposing you say that you want him, would you say that he was representing a firm?

*The Hon'ble Mr. Justice Venkatasubba Rao.*—That is a very special case.

*The Chairman.*—It is a case that has given repeated trouble to the Europeans. A man falls sick and is suddenly sent away.—(*Mr. Blackwell*) Is it possible to get over the difficulty caused by the residential qualification?

*The Hon'ble Mr. Justice Din Muhammad.*—But that residential qualification is laid down under the Act and we cannot tinker with it. That qualification is absolutely necessary.—(*Mr. Chapman-Mortimer*) Well, Sir, we are fully conscious of this difficulty. It is a thing we have all been up against and we recognise also that the men who are going to represent us in the assemblies, if they are not going to be representatives directly autonomous, will have to be men who are on the European rolls, in which case they will qualify under the one rule or the other.

*The Chairman.*—European residence is necessary for the European constituency.—(*Mr. Blackwell*) That is the question I asked. I take it that if he were nominated he would still have the residential qualification.

*Q.*—Not if you put his name on the commerce constituency. The curious thing is that in the Bengal rules they say nothing about the qualification of the European.—(*Mr. Chapman-Mortimer*) It is quite clearly stated on page 352 of the Government of India Act.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—So that even that difficulty is met there.

*The Chairman.*—I do not see what we can do to help them more. I suggested that would simplify matters very much if the rule of the commerce constituency.... Well, Sir, we are bound to be up against that whatever happens. According to the Act here he must have residence and we have always, at least since September, anyhow we have been going on the assumption that there is no way out.

## IX.—LABOUR.

### MADRAS.

#### 52. Memorandum from the Buckingham and Carnatic Mills Employees' Union.

This union was started in 1926. Ever since its inception it has been conducted on the principle that the management of the union should be composed entirely of actual workers. We therefore wholeheartedly support the view of the Delimitation Committee and the Government that the right to represent labour in the legislatures should be confined to actual workers. The following are some of the important considerations which have forced us to this conclusion :—

- (1) If, as we are given to understand, it has been suggested by certain trade unions that the right to represent labour should not be confined to actual workers, we submit that it is due to the influence of certain outsiders who are in the executives of those unions and want to aggrandize themselves by exploiting labour.
- (2) We can understand the right to represent labour being conceded to outsiders on one ground and one ground only, and that is, that there are no persons in the ranks of labour who are competent to represent them. But it is our firm conviction that to-day there are several persons in the ranks of labour who can adequately and faithfully represent them in the legislatures. A reference to the history of some of the well-conducted trade unions in which actual workers have managed their affairs will bear ample testimony to the capabilities of actual workers to take a part in the deliberations of legislative bodies. There are public speakers among actual workers who have been publicly eulogised by eminent leaders. We cannot, therefore, for one moment admit that there are no competent persons in the ranks of labour to represent their interests.

In this connexion it has been contended that if actual workers champion the cause of labour they might be penalised for the same. We do not for one moment think that there are any such employers at the present time.

- (3) Another consideration we would urge in this connexion is that while the workers have to acknowledge with gratitude the services rendered by a few disinterested outsiders, it cannot be denied that labour has been exploited in the past by politicians and other scheming outsiders for their own ends. Even the Whitley Commission who can never be accused of being unfriendly to outside leaders in the trade union movement, have admitted the existence of this evil. If trade unionism in this country has not made the progress it ought to have made, it is mainly due to the differences among outside leaders brought about mostly by their efforts of self-aggrandizement. Such differences have arisen on many an occasions from the competition of different leaders in seeking nomination to the legislatures or other public bodies in this country or the international Labour Conference at Geneva. Such differences will naturally be accentuated if the right to represent labour is extended to outsiders. We have, therefore, no doubt that it will be to the lasting benefit of trade unionism in this country if the Government set their face against the idea of outsiders representing labour in the legislature.

Finally we would submit that the very purpose for which seats are reserved for labour would be defeated if provision be not made for the election of actual labourers. We would have then to face a situation in which scheming outsiders who have absolutely no sympathy with the working classes would pose for labour leaders and represent them in the Councils. Thus the seats reserved for labour would be turned into seats that left for open competition. And it would be a case of taking with the left hand what was conceded by the right.

For the above considerations we are strongly of the opinion, and we have no doubt that we are voicing the opinion of thousands of workers in the Presidency, when we say that the provision that only actual workers should represent labour must be retained.

*Electorate.*—The principle of electing the representatives of labour through trade union constituencies looks quite sound and we should not raise any objection to it on principle, since we are ourselves anxious to see genuine trade unions develop in the country. We are also not unaware the fact that the Whitley Commission have recommended this method for the representation of labour in the industrial India for the future legislatures. If, in spite of these considerations, we doubt whether election through the trade union constituencies is the best method under present conditions, it is purely due to our anxiety that the representation should not be partial or one-sided, but should reflect the choice of the majority of the workers in the constituencies. Trade union members in the constituencies form only a very small percentage of the industrial workers concerned. We, therefore, feel that if under the present circumstances the franchise is limited to trade union members, the electorate would consist of a very small portion of the population concerned. It would certainly be nowhere near the figure representing the percentage of electorate to the total population in the general constituencies. But our objection is not based on this ground alone. Anyone who has an intimate knowledge of the working of the trade unions in the Presidency will admit that at present responsible and peace-loving workers generally prefer to keep away from the trade unions. Thus, limiting the electorate to trade union membership would have the unfortunate result of denying the franchise to thousands of responsible workers.

It is also likely that many bogus unions would spring into existence purely for the purpose of exercising the franchise.

For the above reasons we seriously doubt the wisdom of electing representatives of labour through trade union constituencies at the present time. Until trade unions are better organized and can claim a larger proportion of industrial workers as members, we agree with the view of the Delimitation Committee that the representation would be more effective if all industrial workers employed in factories form the electorate. It may be desirable to limit the franchise to workers who have put in a minimum service of six months in the factory.

### 53. Letter dated the 3rd September 1935 from the Secretary, Madura Labour Union.

With reference to your letter No. 681-2, dated 31st August 1935, regarding the delimitation of constituencies for labour seats, I beg to submit this memorandum for the consideration of the Delimitation Committee.

I agree with the Government of Madras that trade unions should not be recognized as constituencies for election of representatives of labour. I fully support the view that one seat should be allotted to a constituency formed of all the railway workers in the Presidency and that the other five seats should be filled by election in territorial constituencies created after bestowing due care that it includes areas where there are large sections of workers as defined by the Workmen's Compensation Act, 1923, Schedule II. The Dock and Port Trust workers should merge



*The Chairman.*—I do not see what we can do to help them more. I suggested that would simplify matters very much if the rule of the commerce constituency.... Well, Sir, we are bound to be up against that whatever happens. According to the Act here he must have residence and we have always, at least since September, anyhow we have been going on the assumption that there is no way out.

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For the above reasons we seriously doubt the wisdom of electing representatives of labour through trade union constituencies at the present time. Until trade unions are better organized and can claim a larger proportion of industrial workers as members, we agree with the view of the Delimitation Committee that the representation would be more effective if all industrial workers employed in factories form the electorate. It may be desirable to limit the franchise to workers who have put in a minimum service of six months in the factory.

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into these constituencies. This alone will enfranchise a very large number of workers and give them adequate representation and enable them to choose, unfettered by any other consideration or pressure from outside agencies. I desire to explain why trade unions should not be recognized as constituencies. In my experience for the last ten years in Madras and mufassal and as one who has started and been running trade unions both registered and unregistered, I have no hesitation in saying that membership of trade unions is very unsatisfactory and they only represent a very small fraction of the workers. Some of them are even mushroom organizations. They will form easy pocket-boroughs. The workers would not be able to return disinterested representatives with long record of genuine service. Further, trade unions are susceptible to various vicissitudes in policy and to artificial inflation of membership. Ninety-seven per cent. being illiterate and majority being ignorant and easily led it is possible for unscrupulous persons to whip them to fury on all imaginable grievances with a view to increase the membership of the Union prior to elections.

If electoral rolls are prepared on the membership of trade unions apart from its being narrow and unrepresentative and subject to aforesaid risks there is another vital danger to render it ineffective and defeat its object. The voters will be subject to victimization for their trade union membership. It is equally possible for employers to manipulate, inflate and control membership. If an employer feels that a certain representative who is likely to be elected whom they consider undesirable, on the eve of elections they can deplete the membership of the union by getting rid of a few prominent members on some pretext with a view to scare away the rest joining the union and thus prevent the particular representative from being elected. Further employer can start his own union and maintain an artificial membership and thus influence the election to a large extent. In this connexion I may mention that an employer dismissed five members all of whom had signed the application for registration of the union. I wish to add that workers made anxious enquiries in the method of election and laid stress that they should not be singled out as members of trade unions for election purposes. So I suggest that all those who are in employment for six months prior to the preparation of electoral rolls should be included as voters. It may be possible to make a change and include trade unions as constituencies when the employees adopt a less hostile attitude and pursue a more enlightened policy and when trade unions can be more assertive as a result of the standard of the membership being high. This may lead to the question as to the fostering and encouragement of trade unionism. The workers of trade unions are exempt from certain civil and criminal proceedings under sections 17, 18 and 19 of the Indian Trade Unions Act, 1926. This itself is a privilege to encourage trade unionism, though further improvements can be made to confer greater privileges.

A fresh privilege could be included by entitling honorary members and officers of registered trade unions who are not workers to be eligible to stand for election in labour constituencies enforcing no residential restrictions. Great care should be taken in forming constituencies as not to be unwieldy and covering large areas, as candidates cannot afford to incur large expenditure in travelling and propaganda with their limited means.

Outsiders: The position of outsiders is intricately connected with the elections. The labour movement has been started by outsiders and practically run by them at present. I have no doubt that this would continue on for a few years more. Considering the education of the workers and the policy of the employers the association of outsiders is imperative for the welfare and growth of trade unionism at present. It is impossible for the workers, dependent on the employers for their livelihood, to voice fearlessly the desires and aspirations of labour. To exclude outsiders and *ex-workers* would be depriving the labourers their free choice of a proper representative.

## 54. Memorandum by the National Trades Union Federation.

## PART I.

## PROVINCIAL LEGISLATURES.

The question of labour representation in the provincial and central legislatures in India under the new constitution has been the subject of discussion since 1927-28. The Royal Commission on Labour in India strongly recommended the continuance of labour representation and observed:—

“If special representation is to be given to industrial labour, the method which in our view is most likely to be effective in securing the return to the legislatures of the best representatives of labour is that of election by registered trade unions.”

The Indian Franchise Committee in paragraph 240 of its report endorsed the continuance of special labour representation and in paragraph 246 accepted the proposals of a number of provinces for the establishment of trade union seats in their legislatures. It, however, thought that to prescribe representation through trade unions as the sole method of representation of labour and to offer no alternative would be contrary to the interests of labouring population as a whole, because there might be cases where trade unions did not exist or were too weak to be entrusted with the function of representation. The Committee thought therefore, that it was “necessary to provide, in addition, another form of representation through special labour constituencies of the type described in paragraph 250” of its report.

*Special Labour constituencies—an additional, and not alternative, method.*

2. The recommendation of the Indian Franchise Committee to set up trade union constituencies, wherever possible, and special labour constituencies, where necessary, has been, we find, interpreted by some provincial Governments and provincial Delimitation Committees to mean that the Committee has recommended special labour constituencies as an alternative to trade union constituencies. We further find that these Governments and provincial Delimitation Committees have recommended special labour constituencies in preference to trade union constituencies. The National Trade Union Federation submits that this interpretation is unwarranted and the preference given to special labour constituencies wholly unjustifiable. A careful study of Chapter IX of the Indian Franchise Committee's report which deals with representation of labour in provincial legislatures, makes it abundantly clear that the Committee has given preference to trade union constituencies and suggested special labour constituencies as an additional, and not an alternative, method of representation to meet those cases where trade unions do not exist or are too weak. Now that the principle of special labour representation has been laid down in the Government of India Act, 1935, it only remains for us to urge that the submission made by us should be accepted as the only correct interpretation of what the Indian Franchise Committee wanted to convey regarding the method of such representation.

*Special Labour constituencies—A temporary method.*

3. In the light of what we have stated above, the next question we have to consider is where exactly it may be necessary to set up special labour constituencies. The Lothian Committee has stated that such constituencies may be necessary where trade unions do not exist or are too weak. Where, as for example, in Assam, trade unions do not exist, the recommendation of the Lothian Committee is definite. It suggests in such cases the setting up of special labour constituencies. In other cases, the ordinary method of representation through trade union constituencies is to prevail. This view of the Lothian Committee was earlier supported by the Royal Commission on Labour in India which stated that if the trade union method “was found to be impracticable in any case, recourse would be necessary for a time to some other method”. We emphasise the words “for a time” and suggest that the special labour constituencies where they may be set up owing to the absence of trade unions or the latter being too weak, should be created for the purposes of

the first election only. The position should be examined on the eve of the subsequent elections and that the special labour constituencies should be replaced by trade union constituencies wherever the trade unions have come into existence or are not too weak.

*Alleged weakness of trade unions.*

4. We may be permitted to state that the test of determining the alleged weakness of trade unions is illusory. The tendency on the part of Governments and employers is to judge the strength of trade unions by their membership relatively to the total number of workers in the particular industry. According to them, unless a trade union contains as members a certain percentage of workers engaged in a particular industry, it is not considered as representative. We venture to submit that this argument is highly fallacious and trust that it will not weigh with the Indian Delimitation Committee. In the first place, it should be borne in mind, that labour representation, like the representation given to trade and commerce is a functional representation; that is to say, it is a representation given to an interest. In such kind of representation, it is the importance of the interest and not its numerical strength, that matters. For example, the representation given to commercial and industrial organisations is not given on the basis of their numerical strength. In fact the number of traders and commercial men and also individual industrialists who are outside any organised associations, is far in excess of those who are members of such bodies; and yet in determining the method of representation for these interests, no regard is ever paid to the claims of the unorganised majority and the existing organisations are made the basis of representation without regard to their numbers. We therefore submit that to apply one basis of representation to the commercial organisations and another to labour unions is to create an unfair discrimination and should not find favour with the Indian Delimitation Committee.

5. In the second place, we may point out that the present principal legislatures in India are elected by an electorate which does not exceed more than 2·8 per cent. of the Indian population. In the case of the present Legislative Assembly, the electorate is not more than 1 per cent. of the entire population. Even under the new constitution the legislatures will not represent more than 15 per cent. of the population. And yet both the present and future legislatures are considered sufficiently representative of the people. Thirdly, it cannot be claimed that the representation for labour has been fixed on the basis of its numerical strength among the Indian population. As stated before, it is a functional, and not a numerical, representation. It is obviously unfair first to grant representation of labour wholly inadequate to its numerical strength and then to be too critical about the strength of organised labour as the channel of such representation. Fourthly, of all the special interests created, labour is most cosmopolitan in its sympathies and therefore it stands to reason that the method of its representation should be considered with fairness, if not with an indulgence. On these grounds, we urge that the trade unions in the country are sufficiently representative of the working classes and should therefore alone be made the constituencies for election.

6. *Impracticability of Special Labour Constituencies.*—One more reason for conferring on trade unions the right of electing labour representatives, instead of setting up special labour constituencies is furnished by the Bombay Delimitation Committee. It is pointed out in paragraphs 45 to 47 of the report that even as they are to-day the trade unions are sufficiently representative of the industrial population in the Bombay Presidency and that the constitution of special labour constituencies, far from meeting a well-felt need, will lead to over-lapping, create anomalies and are impracticable. We venture to submit that the arguments the Bombay Delimitation Committee has employed against special labour constituencies, apply with equal force to other presidencies and provinces and deserve to be seriously considered by the Indian Delimitation Committee.

*Trade union constituencies.*

7. *Qualifications.*—In the trade unions constituencies, the question with regard to the qualifications of (1) a trade union, (2) electors for the election of delegates,

(3) candidates and the method of election are important. They have been briefly dealt with in paragraphs 247 to 252 of the Indian Franchise Committee's report; and they have also been dealt with more exhaustively in the report of the Bombay Delimitation Committee. The final views of the Government of Bombay on these matters are given in paragraph 20 of the report of the Government of Bombay on the delimitation of constituencies in the Presidency of Bombay and Sind. The views of the Indian Franchise Committee and the Bombay Government are identical except on one or two matters such as the method of election in a single area and the candidate's qualifications. The National Trades Union Federation is inclined to accept the final recommendations of the Government of Bombay. The recommendations of the latter are meant only for the Bombay Presidency. We strongly recommend that they should be applied to other presidencies and provinces as well.

8. *Railway Workers.*—As the Committee is probably aware that the Railway Administrations in India operate in more than one presidency and province and that railway workers under one administration will be living under different provincial administrations. When these workers are organised in a trade union, the union is ordinarily registered at the headquarters of the Railway Administration. But its members are necessarily scattered over more than one province. As members of registered trade unions, these workers should be entitled to vote at the elections of labour representatives in the provinces where they reside and work. But as will often be the case, the registration of these unions will have taken place in a province different from the one where they are living. If, as is proposed by the Bombay Delimitation Committee, the union itself must be registered in the province where the vote is to be exercised, a substantial number of the members of the railway unions will be deprived of their franchise. In some places they will not be entitled to vote, because the union of which they are members is not registered there; in others they will lose the vote because they are not residing in the province where the union is registered. We feel certain this anomaly was never intended to be embodied in the recommendations of the Bombay Delimitation Committee. We are sure that it is only required to be pointed out to secure for the railway workers the right of vote regardless of the place of registration of the trade unions of which they are members.

#### *Special labour constituencies.*

9. *Overlapping of trade union and special labour constituencies.*—Reverting again to the question of special labour constituencies, we desire to draw the attention of the Indian Delimitation Committee to paragraph 253 of the Indian Franchise Committee's report in which the Committee has emphasised "the extreme importance of avoiding any overlapping between the trade union and the special labour constituencies in the same industry or in the same geographical area". According to this expression of opinion the field of special labour constituencies must necessarily be extremely limited. In a particular industry or area where a trade union of 100 members exists, the Indian Franchise Committee by its recommendation forbids the formation of a special labour constituency. This argument is reinforced by the views of the Bombay Delimitation Committee. Except perhaps in Assam, therefore, there is hardly any scope and necessity for the constitution of special labour constituencies. Where in a geographical area an important industry has no trade union, the labour seat for such industry should be given to a trade union or unions in any other geographical area or areas in the same province where the same industry exists. It is unnecessary to give undue importance to territorial considerations in this respect. The object to be aimed at should be the effectiveness of labour representation which a trade union method alone can secure.

10. If, in spite of these considerations, it is decided to set up special labour constituencies in any areas, we submit that the proposal we made in paragraph 3 of this memorandum should be sympathetically considered and accepted. We repeat that the special labour constituencies should be set up only for the first election, that the position should be examined at the time of the second and subsequent elections and that the special labour constituencies should be replaced by

trade union constituencies wherever the trade unions have by that time come into existence or are not too weak.

11. *Qualifications.*—The size of the special labour constituencies, qualifications for electors and candidates and the method of election present no small difficulties. The Indian Franchise Committee has recommended that the workers of any factory employing a minimum number of 10 persons should be included in the special labour constituencies. If this recommendation is accepted, we are afraid that the constituencies would be too unwieldy and unmanageable, particularly having regard to the fact that the labour seats are so few. The cost of running an election would be also prohibitive. Moreover, if the special labour constituencies are set up in selected areas, the educative value of the election would be denied to the workers from areas which would be excluded. We therefore think that special labour constituencies are neither desirable nor workable. If, however, as an exception, special labour constituencies must be set up in the absence of any other form of representation, we suggest that the method of rotation would best serve the object and, while restricting the constituencies within manageable proportions, would also retain for them the educative value of elections.

12. With regard to the elector's qualifications under the special labour constituencies, the Indian Franchise Committee has suggested that (1) the elector should be of 21 years of age, (2) he should have continuous employment for six months in a factory, (3) the clerical and supervisory staff should be excluded from being put on the electoral roll, and (4) the foremen, sardars, jobbers, mistris and the like might be included in the electoral roll, but should not be included to candidates. We are inclined to accept these suggestions.

13. Even if all the difficulties pointed out in this memorandum are got over the biggest danger in setting up special labour constituencies still remains, namely that almost invariably the persons returned through such constituencies will neither be the workers nor their real representatives but more often it will be the employer who will directly or indirectly secure representation. And where this does not happen, the representative will be a jobber or a chageman or other creature of the employer. In these cases the representation of the workers may be colourable and the object of creating these constituencies will be frustrated. This point is appropriately brought out in the report of the Indian Franchise Committee which says that "the balance of advantage rests on the whole with avoiding too rigid a restriction of the limits, within which a candidate for the special labour constituencies may be chosen". The Committee was no doubt divided in prescribing the candidate's qualifications. Some thought that no restrictions should be placed on the candidate's qualifications. In other words any voter in any constituency should, in their opinion, be permitted to contest the labour seats. Others thought that some restrictions were necessary. They therefore suggested that a candidate for the special labour constituency should be an elector in that constituency or a member or an official of a registered trade union. They in addition suggested certain disqualifications. They thought that sardars, jobbers, head-jobbers and persons standing in a similar relation to the workers should not be eligible to stand as candidates in special labour constituencies. We attach considerable importance to the candidates' qualifications in the special labour constituencies. We are doubtful whether a special labour constituency will be able to return a candidate who will be genuinely able to ventilate the grievances of the workers. In such a constituency, the employer and his subordinate officials may not have much difficulty in influencing the election and returning a candidate of their choice. If this happens, labour representation will be a mere mockery. Secondly, if the qualifications are confined only to the voters in the special labour constituency, the candidate elected may find it difficult to go against the employers so long as he continues his employment in a factory. Thirdly, if no restrictions are placed on the candidates' qualifications, it is not unlikely that a capitalist may be returned from a labour constituency. It is, therefore, our considered opinion that it is not only desirable to prescribe candidates' qualifications but it is also necessary to prescribe their disqualifications. We urge that the sardars, head-jobbers, jobbers, mistris and persons in a similar relation to the workers should be prohibited from standing as candidates in special labour constituencies. We also urge that in addition to the electors in such constituencies, a member or an official

of a registered union in the province in which the constituencies are set up, should be eligible to stand as a candidate. In cases where there is no registered trade union, we suggest that the right to contest the labour seats should be thrown open to the ordinary voters in general constituencies only.

*Mixed trade union and special labour constituencies.*

14. A reference may be made to the attempt made in certain quarters to set up mixed trade union and special labour constituencies in the same area. The Sind Delimitation Committee has, for example, recommended such a mixed constituency for the only labour seat in that province. The setting up of such a constituency goes directly against the recommendation of the Indian Franchise Committee. When the latter has discouraged the simultaneous existence of trade union and special labour constituencies in the same area or the same industry, it follows almost logically that the Committee could not have countenanced the formation of mixed constituencies. Such a mixed constituency would in effect be a variant of the special labour constituency. The electors coming through trade unions would also be on the electoral roll of the labour constituency by virtue of their employment in factories. This double registration of one man is merely a waste of time, labour and money without conferring on him any additional right. There is thus no particular merit or advantage in such mixed constituencies, and we are glad that the Government of Bombay disapproved of the recommendation of the Sind Delimitation Committee and recommended a trade union constituency. We trust that the Indian Delimitation Committee would take the same view of the mixed constituencies as that taken by the Government of Bombay and will not recommend such a constituency anywhere in India.

## PART II.

### FEDERAL LEGISLATURE.

15. The Indian Franchise Committee considered the following three alternative methods of labour representation in the Federal Lower House, *viz.* :—

- (a) election through trade unions ;
- (b) election through special labour constituencies ; and
- (c) election through the combination of both ; and recommended the first method. We whole-heartedly endorse this recommendation and we hope that the Indian Delimitation Committee would accept it.

16. The Indian Franchise Committee pointed out in paragraph 423 of its report that in the case of plantation labour and the jute industry, where trade unions do not exist or are too weak at present, the method of labour representation should be further considered at the time of the delimitation of constituencies. Although the plantation obtains in more than one province in India, it is more extensive in Assam. It is therefore reasonable, and particularly because of the limited number of labour seats, that the representation for plantation labour should go to Assam. In that province no trade union for plantation labour at present exists. We are therefore afraid that a special labour constituency may have to be created for this purpose. But we emphasise that such a constituency should be created only for the first election and that, as we have pointed out in paragraph 3 of this memorandum, the position should be examined at the time of the second and subsequent elections with a view to replacing the special labour constituency by a trade union constituency if a trade union has come into existence or has ceased to be too weak.

17. In the case of the jute industry, however, there is no justification for the creation of a special labour constituency inasmuch as trade unionism does exist there for a number of years. It may be that trade unionism may not be so strong as we would like it to be. But the creation of a trade union constituency would undoubtedly stimulate the development in that direction. While, on the other hand the creation of a special labour constituency can only lead to further postponement



of such consummation. We stated fully in paragraphs 4 and 5 of this memorandum our reasons supported by eminent authorities why even small unions should be regarded as representative of the industries concerned ; and these hold good equally in the matter of labour representation in the Federal Lower House. We therefore urge that the jute industry should be given labour representation through a trade union constituency.

18. *Qualifications.*—For the trade union constituencies we urge the same qualifications for trade unions as those recommended for the provincial legislatures. With regard to the qualifications of electors and candidates, we endorse the recommendations of the Indian Franchise Committee made in paragraph 423 of its report. Where, however, they differ from those of the Government of Bombay in its final report with regard to the Bombay Legislative Assembly, we support the view of that Government and we trust that it will be accepted by the Indian Delimitation Committee for the whole of India.

19. In the case of special labour constituency, if one is created anywhere, we make the same recommendations regarding its size, elector's and candidate's qualifications, as those we have made in paragraphs 11, 12 and 13 of this memorandum. We desire to emphasise the importance of prescribing the candidate's qualifications and disqualifications which we have dealt with in paragraph 13 and we urge that the suggestions we have made in this behalf should be accepted by the Indian Delimitation Committee.

## 55. A note by B. Shiva Rao on Labour Representation in the Provincial Legislatures under the Government of India Act.

I desire to supplement the memorandum on labour representation which I sent to the Madras Delimitation Committee, as I did not deal in it with certain points. In this note I propose to deal only with labour representation for the provincial legislatures.

I have been associated with the labour movement in India since 1919 and have considerable experience of trade unions, especially in the Madras Presidency. I am, or have been, connected with the following Unions : (1) The Madras Labour Union for Textile Workers ; (2) The M. S. M. Railway Union ; (3) The Labour Union, Ranipet ; (4) The Port Trust Workers' Union, Madras ; (5) The Jute Workers' Union, Nellimarla ; (6) The Madura Textile Union ; (7) The Papanasam Textile Union ; (8) The Tuticorin Textile Union ; (9) The Match Factory Workers' Union, Madras, (10) The Textile Workers' Union, Koilpatti. The majority of them are registered under the Trades Union Act of 1926. I am also a Vice-President of the National Trades Union Federation. I was one of the advisers to the Indian Workers' delegate to the International Labour Conference at Geneva in 1929 and 1930. I was one of the delegates on behalf of Indian labour to the first and second sessions of the Indian Round Table Conference in London in 1930 and 1931. I was one of the witnesses who appeared before the Joint Parliamentary Committee in 1933 to give evidence on behalf of the National Trades Union Federation.

The Royal Commission on Labour, after visiting all the provinces and taking evidence, came to certain conclusions about the different types of unions in existence. At the bottom of the scale, the report stated, came those Unions which represented practically an imaginary membership and little more than one or two self-seeking men. But it went on to add that " this type of valueless growth was more characteristic of Bengal than of other provinces and was becoming rare even there." On a higher level were placed "*ad hoc* Unions, organisations designed to secure some definite and immediate objects," which came into existence in the years following the close of the War. But the Commission expressed the opinion to which I would invite the attention of the Committee, that " the majority of Unions are now permanent and regular organisations."

A few remarks about the working of registered Trade Unions may not be out of place. Though the Trade Union Act of 1926 permits outsiders to be members of

the executive of a Union up to a maximum of half the total number, many Unions have deliberately adopted the practice of reducing their number to a minimum in order to encourage the workers to undertake an increasing share of the responsibility of conducting the affairs of the Union. To the extent that the funds of a Union permit, various benefits are given to active members, such as death benefit, legal and other forms of assistance in cases of workmen's compensation, maternity benefit, etc. Generally speaking, a worker, in order to qualify himself for these union benefits, should have been an active member of the union for a minimum period of six or twelve months, which means that he should have paid his monthly subscription regularly for that period.

The executive of a Union, which is elected every year in accordance with the rules of the Union, discusses matters of common interest at its meetings, and its decisions are placed before the general body of workers for approval, before further steps are taken. Bills, for example, whether of the Central or the Provincial legislature, relating to labour are discussed clause by clause by the executive and its opinion is communicated to the authorities after it has been supported by the general body of members. In the event of a dispute with an employer, the points at issue are discussed and the views of the Union are communicated to the employer with a view to amicable settlement. When it is deemed necessary to declare a strike, the question is discussed both at meetings of the executive and of the general body and due notice is given to the employer. The funds of the Union are administered by the executive. It is open to any member of the Union to inspect the account books of the Union and the certificate of a qualified auditor is published annually for the benefit of the members, and a copy is forwarded to the Registrar for Trade Unions in the Province.

The process of registration is as follows. At least seven members of a Union (or workers intending to start a Union) should sign an application on a form which is supplied by the Registrar of Trade Unions of the Province. With the application must be submitted the draft rules of membership and many particulars, including the names and addresses of the applicants, the amount of subscription proposed to be levied, etc. The Registrar of Trade Unions—in some provinces he is also workmen's Compensation Commissioner and Labour Commissioner—scrutinises the application and the rules, satisfies himself that the application is a genuine one and issues a certificate of registration if he is satisfied, or rejects it. In fact, registration of a Union necessitates, as the Royal Commission pointed out in its report in the chapter on Trade Unions, "a regular constitution, a periodical audit, the composition of the executive so that a majority may be workers and the separation of political funds which can be collected from only those members who are willing to contribute."

The question has been discussed whether registered Trade Unions should form constituencies for labour or whether an alternative method should be suggested, such as a special labour constituency. I heartily endorse the following observation of the Commission :

"If special representation is to be given to industrial labour, the method which in our view is most likely to be effective in securing the return to the legislatures of the best representatives of labour, is that of election by registered Trade Unions. The working of this method should also exercise an important influence on the healthy development of trade unionism. . . . As regards the details we recommend the setting up in each province of a special tribunal to determine before each election the weight which should be given to each registered Trade Union. The tribunal might consist of three members unconnected with industry or labour and presided over by a high judicial officer. The Registrar of Trade Unions should not be a member, but should give the tribunal such assistance as they require. The grant of the vote should be limited to Unions which have been registered for not less than one year, and it would be the duty of the tribunal, after such investigation as was necessary in the case of each Union, to determine the actual paying membership and to allocate votes accordingly."

I am not in favour, however, of indirect elections through electoral colleges composed of delegates to be elected by the members of each Union. I feel strongly that the advantages of direct election are great and labour should not be deprived of these advantages. The creation of electoral colleges is open, in my opinion, to grave objections. It is essential that active members of registered Trade Unions should have the unqualified right to elect their representatives to the legislatures; the larger the number of voters, the less will be the possibilities of corrupt practices at elections. With a large electorate it is the candidates who can justify their claims by reasons of their experience, disinterested service to the movement and intimate knowledge of the needs of the workers that can best hope to succeed in the elections. Workers who will form the electorates are generally familiar with the technique of elections.

It is true that the Trade Union movement has not developed in all the provinces to the same degree or in the same manner. It is also true that the number of workers enrolled as members of trade unions, especially of registered trade unions, is a small fraction of the total number of industrial workers in the country. But it would be easy to overrate the importance of this point. The question really is not whether a majority or a minority of the workers are members of Trade Unions, but whether representation given to registered Unions would enable those who would get into the legislatures of the future to represent the legitimate desires and grievances of industrial labour as a whole. I have no hesitation in answering the question in this form in an unqualified affirmative.

In this connection, I would cite the opinion of the Royal Commission that "the fact that a Union consists of only a minority of employers is no adequate reason for withholding recognition"; also that "a movement which is facing so many difficulties cannot be expected to begin with the stage achieved in other countries through long experience and after many vicissitudes. Responsibility can be developed by power and experience. If relationships and co-operation are to be withheld until individual Unions, or the movement generally, attain vigorous health, that stage is likely to be long deferred."

I have no doubt in my mind that the creation of trade union constituencies would lead, as the Royal Commission on Labour confidently assumed, to the healthy development of trade unionism in this country. If the number of Unions and of registered Unions is not greater than it is, in spite of the fact that the Act has been on the Statute Book since 1926, one main reason is to be found in the unfortunate hostility of many employers even today to the idea of a workers' organisation. From personal experience, I may observe that in several industrial centres workers are afraid to come forward openly to join a Union for fear of victimisation. Employers as a class have not yet realised the truth contained in a wise observation of the Commission.

"It is in the power to combine that labour has the only effective safeguard against exploitation and the only lasting security against inhumane conditions . . . . Nor is labour the only party that will benefit from a sound development of the Trade Union movement. Employers and the public generally should welcome its growth. Some form of organisation is inevitable, since the need is acute and is bound to evoke a response. *If that response does not take the form of a properly organised Trade Union movement, it may assume a more dangerous form.*" (my underlining).

Moreover, on account of the serious economic depression of the last five or six years and the growing unemployment among industrial workers in India, they have not the same confidence in the movement that they had in earlier years. The movement, as a whole, is at a low ebb at the present juncture. But the same phenomenon has been observed in several countries of the West where trade unionism has been in existence for a much longer period than in India. But I venture to suggest that it would not be right to assume that the existing conditions will remain unchanged in the years to come. The abnormal economic conditions of the present cannot continue for ever. With a revival of trade and a gradual return of prosperity, the workers' movement is bound to show greater virility.

I would, therefore, strongly support the proposal made by Unions in several parts of the country that the labour seats should be reserved entirely for registered Trade Unions. The Franchise Committee was in favour of giving representation to registered Trade Unions, but seemed to be influenced by the consideration that in some areas Unions may either be too weak to be entrusted with the responsibility or not exist at all. In such cases, the Committee suggested the creation of special labour constituencies. For the reasons mentioned in previous paragraphs, which are supported by the recommendations of the Royal Commission, I adhere to the view that only registered Trade Unions should be recognised as constituencies. If, however, an important industry is likely to go without representation because of the conditions envisaged by the Franchise Committee, I would agree to a special labour constituency for the first elections only. I am certain that the fear of losing the privilege will stimulate the growth of a registered Trade Union before the second elections take place. If, however, the Committee should take the view that such recommendation would involve the risk of labour going without representation at the second and subsequent elections, I shall not object to the proposal that special labour constituencies may continue in those industrial areas until such time as registered Trade Unions do not come into existence.

Reference has been made in certain quarters to the possibility of bogus Unions coming into existence. The view of the Royal Commission on this point has already been quoted. It should not be overlooked that the proposal is that only registered Trade Unions should be given the right to return labour representatives. Registration implies a preliminary and detailed scrutiny by the Registrar of Trade Unions. There will, also, be the annual audit by a certified auditor, and the possibility of cancellation of registration by the Registrar. Further some machinery (preferably a Tribunal as recommended by the Royal Commission) will have to be devised to examine the claims of membership of each registered Union and endorse their validity. It is inconceivable that a bogus Union can successfully overcome these obstacles. I would add also that direct election by the members of registered Trade Unions would effectively prevent bogus Unions being started in sufficient numbers to capture labour seats. I agree with the opinion of the Royal Commission that "the leader who is not honestly working for the good of a Union is not likely to have a long innings unless he is assisted by persecution. The less healthy traits in a Union are more likely to be eliminated by toleration than by repression".

A good deal has also been said in some quarters about the danger of communists capturing labour seats. That danger seems to me to be grossly exaggerated. The National Trades Union Federation was started in 1929 because of fundamental differences of opinion with the communist elements in the original All-India Trade Union Congress. The Federation has functioned actively during the last six years in the face of great difficulties, and communist influences have in no appreciable way affected its course or its policy. The All-India Railwaymen's Federation is another example of a large workers' organisation which has successfully withstood communist influences. It is possible that individual Unions may succumb for a time to such influences. But I would affirm with some confidence that the movement has been in existence for a sufficient number of years to develop on its own lines. The fact that the Government of India and the Railway Board have accorded recognition to the two All-India organisations mentioned above is an important consideration. "Responsibility", in the words of the Royal Commission, "can be developed by power and experience". The communists' most powerful argument with the worker is that constitutional methods have failed to improve his lot. The best antidote for communist propaganda is therefore a well-directed and comprehensive social and economic programme.

There is also the much-discussed question whether outsiders connected with the Trade Unions should be permitted to contest labour seats. One or two provinces have recommended that only actual workers should be returned as labour representatives. I take, my stand, in opposing this recommendation, on the observation of the Franchise Committee: "We regard it as essential that the provincial legislatures should contain representatives of labour who can watch

the provincial administration of general labour policy and can represent the legitimate desire and grievances of the industrial labouring classes."

The question for decision before the Committee is whether actual workers can discharge these responsibilities effectively. No one is more conscious or appreciative than myself of the splendid qualities of the Indian worker. But once again I would rely on the following words of the Royal Commission:

"No man who is doing a day's work in a factory or a mine or on a railway can find the time or energy necessary for the work. Further, the actual worker, even with the best of employers, cannot display sufficient independence to defend adequately the Union's interests."

The same argument applies with even greater force to work inside a legislature. No worker can afford, in my opinion, to be away from his factory for possibly several months every year to do justice to his constituency in the legislature. On this consideration alone, even apart from the other points urged above, I think it would be impossible in practice to find actual workers to stand as candidates.

So far as outsiders are concerned, I am content to accept the view of the Royal Commission:

"At present the Unions depend for their leaders mainly on social workers, lawyers and other professional and public men. A few of these have interested themselves in the movement in order to secure private and personal ends. The majority, however, are actuated by an earnest desire to assist labour. The work involves much toil and many discouragements, is nearly always unpaid and brings more criticism than thanks. Our survey of the position will show sufficiently clearly how necessary the assistance of these men has been in the past. The movement could not possibly have reached its present stage without them and for many years to come there is likely to be a useful field of service for all those who are anxious to assist."

At the same time I would add that the "outsiders" in the Trades Union movement have always striven to give every possible encouragement to workers and ex-workers to assume positions of leadership and responsibility. In several Unions they occupy such positions, and in making up the annual delegation to the International Labour Conference at Geneva, this consideration is prominently borne in mind. But I venture to make the suggestion to the Committee that it should be left to the unfettered discretion of the Trades Unions themselves to decide whom they send to the legislatures to champion the cause of labour, whether workers or ex-workers or outsiders who are members of their Executive Committees. I am clear in my mind that any such restriction on the Unions as proposed by one or two provinces would be grossly unfair to labour itself and defeat the object for which special representation is granted.

If my proposal is accepted and labour seats are assigned only to registered Trades Unions (under conditions specified in the preceding paragraphs), there are some other considerations which I would place before the Committee. It would be necessary to safeguard the interests of workers in the different industries. Railway Workers' Unions, generally speaking, are far more developed than other types of organisation, and count their membership in thousands. There is necessity, therefore, for limiting the number of seats which Railway Unions may have in the provincial legislatures. Railways being essentially a central subject, I think one seat generally would be enough in each province for Railway Unions (exceptions being made in the case of Bengal and Bombay in view of the larger number of labour seats in these provinces, and two may be assigned). The claims of important industries and of categories of workers in each province must also be considered, such as jute in Bengal, mining in Behar, cotton textiles in Bombay, the United Provinces and Madras, seamen in Bombay and Bengal. Finally, I suggest that the remaining seats should be made general labour seats (within the limits of their being available only for registered Trades Unions).

I attach vital importance to the desirability of labour representatives maintaining a close contact with their constituencies. Constituencies should not be unwieldy in size, and it is necessary to bear in mind that labour representatives, perhaps even

more than others will not be in a position to travel over large areas. On the other hand, I am against enfranchising Unions in certain industrial centres only, and depriving for all time Unions in less favoured centres of the opportunity of actively influencing the decisions of the legislature. I would, therefore, suggest for the consideration of the Committee that the principle of rotation may be borne in mind. It may be open to criticism : but there is precedent for it in the allocation of seats to the smaller Indian States in the Federal Legislature. Also, in my opinion, it affords a workable compromise between the two essential considerations enunciated in this paragraph.

To sum up my general proposals : (1) only registered Trades Unions should be regarded as constituencies for the special labour seats in each province ; (2) voting should be direct, by all the members of such Unions and not through electoral colleges ; (3) in areas where such Unions do not exist, or are too weak to be entrusted with the responsibility, provisional arrangements may be recommended for special labour constituencies, but only for a temporary period ; (4) there should be no restrictions placed upon Unions in electing their representatives, whether workers, ex-workers or outsiders who are members of their Executive Committees ; (5) while the claims of Railway workers and of important industries and categories of workers should receive due consideration, those of the smaller Unions should not be allowed to go into the background ; (6) in allocating seats on the basis of industries, the importance of keeping constituencies within reasonable limits as regards size and distances should be borne in mind ; (7) the principle of giving different industrial centres an opportunity in turns of sending their representatives to the legislatures should have some application.

Having indicated at some length my views on labour representation in the provincial legislatures, I shall deal briefly with the concrete proposals made in Madras. Two seats out of the six, in my opinion, should be reserved for the textile workers' unions. There are three important centres of the textile industry in the Presidency : (1) Madras City ; (2) Madura and Tinnevely Districts ; (3) Coimbatore Town and District. There have been registered Unions in the first two centres for a number of years. In view of the importance of Madras City I would suggest the allocation of one seat to the textile Unions in Madras. The second may go to the textile Unions in Madura and Tinnevely Districts for the first election and to the textile unions in Coimbatore for the second, if by then a Union or Unions should spring up at that centre. I am against the proposal now made that textile Unions in Madras City, Madura and Tinnevely Districts may be given one seat. The distance between Madras City and these two southern-most districts of the Presidency is 350 to 400 miles and the proposal made can be justified on no intelligible ground. Railways being a central subject, I would suggest only one seat for Railway labour in the Presidency in the provincial legislature, it being assigned to the Madras and Southern Mahratta Railway and the South Indian Railway Unions for alternate elections. One seat, I would suggest, may be given to port and dockyard labour. A suggestion has been made in Madras that such workers at Madras, Cochin and Vizagapatam may be given one seat. I would suggest that the seat may be given to Madras City for the first election and when Unions have sprung up at the other two ports, the principle of rotation may be applied in respect of the seats. The remaining two seats should be thrown open for general election by registered Trade Unions grouping the Unions on some territorial basis so as to prevent the constituencies from being unwieldy in size. Here again, if necessary, the principle of the seats going in rotation to groups of industrial centres may be applied. At present there are a number of active registered Unions in particular districts—such as the Jute Workers' Union, Nellimarla, Vizagapatam District ; the Ranipet Labour Union, Ranipet, North Arcot District ; the Tile Workers' Union, Calicut, Malabar District. The possibility, however, should not be overlooked of new Unions springing up in some other districts ; the grant of the privilege of returning labour representatives to registered Trade Unions is bound, in my opinion, to act as a stimulant to trade unionism throughout the Presidency. At a later stage, (say, after a period of three elections or at the end of ten years, whichever may be shorter) the number of reserved seats for the textile industry may be reduced to one, the extra seat being thrown open for general election by registered Trade Unions in the Presidency.

It is possible that the attention of the Committee may be drawn to the need for representation of unorganised labour in the Madras Presidency. The most important industry to be mentioned under this category is tanning. But I would observe that tanneries employ almost wholly labour drawn from the scheduled castes, and it will not therefore be necessary to provide for their separate representation.

In conclusion, I would invite the attention of the Committee to the fact that labour will have no hope of representation in the provincial upper chambers through direct election on the franchise proposals recently announced by His Majesty's Government. In these circumstances, I would suggest that the Committee should consider the desirability of making a recommendation in the report that the Instrument of Instructions of the Governors of those provinces in which upper chambers will be established should contain definite directions to the effect that in making nominations they should bear in mind the claims of labour for representation.

**56. Extracts from the evidence of Mr. B. Shiva Rao, M.A., President, Madras Labour Union.**

*Madras, dated the 27th November 1935.*

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*The Hon'ble Mr. Justice Din Muhammad.*—Do you want all the six labour seats to be given to trade unions or only two of them?—Personally I would prefer that seats be reserved for the registered trade unions in the manner I have suggested in my second note. But my own feeling is that you may not be absolutely satisfied with the position for the first election, but the moment you introduce a thing of this kind, I am sure that there would be sufficient trade unions all over the Presidency for the second election. Such unions will be registered ones, which will satisfy even your strictest requirements in regard to being regarded as constituencies. As I have suggested in my note, if you feel that the present position does not justify all the seats being reserved for them, you may reserve a few of them.

*The Chairman.*—That means in effect enfranchising a very small percentage of the labour force in this Presidency about 2 to 4 per cent.?—It will become progressively more satisfactory. The moment you recognise the registered trade unions, a very large percentage of workers will join the unions.

*Q.*—One of our difficulties has been this: take a place like Jamshedpur which is a big industrial centre, obviously a place which should be able to produce substantial and efficient trade unions. But owing to a series of internal quarrels and dissensions the interests of the worker are overlooked. I do not think that that has been your experience down here. But in many places in India the movement has been very much hampered by these disputes. We would very much like to recognise the trade union at Jamshedpur but we have to hesitate over it because of these internecine quarrels which the Government or any body else can do nothing to stop. The net result is that comparatively a few workmen have joined the union because they see all this going on and the union does not speak with an undivided voice?—I quite agree that it would be much better if there were no internecine quarrels.

*Q.*—You probably know Mr. Homi?—Yes. He has gone to prison. That happens in several parts of the world. But my answer to that is that certainly it would be a very desirable thing that there should be a harmonious working union in Jamshedpur or in any other centre. Even supposing that they are quarrelling amongst themselves and have split into two unions or even three unions, I would not mind that. I would not regard that as an insuperable obstacle. It is happening because the worker has nothing to stimulate his active interest in the union. He must get something either a rise in wages or improvement in working conditions, some political right or something to keep up his active interest. It is the lack of all that which leads to internal troubles. The moment you recognise the union as a constituency the worker will wake up and as the Royal Commission pointed out, the labour leader who is working for his own personal ends will have a more or less very brief innings.

*The Hon'ble Mr. Justice Din Muhammad.*—Have you seen what the Government and the Provincial Delimitation Committee say on the question of trade union constituencies?—I suppose it is due to the feeling that trade unions represent a very small percentage of the workers at present.

Q.—Not only that, they say :—

“ Opinion is divided among the representatives of the unions themselves on the question whether unions should be recognised as constituencies. The Railway Unions and the Madras Labour Union wish representation to be given to the unions ; the Buckingham and Carnatic Mills Union and the Madura Labour Union (which has sent a representation in writing) prefer constituencies formed of all factory workers whether members of unions or not.

“ Considering this division of opinion, the indifferent manner in which many of the unions are managed, and the comparatively small number of employees in organised industries who are members of trade union, the Committee has come to the conclusion that it is preferable to give the labour franchise to the general body of workers rather than to restrict it to members of trade unions. . . . . ” (Page 7 of G. O. No. 417, dated 5th October 1935).—Both the Madras Labour Union and the M. & S. M. Railway Union which favour the formation of registered unions into labour constituencies are the two oldest and biggest unions in this Presidency.

*The Chairman.*—That is, the Madras Labour Union takes in all workers?—Yes.

*The Hon'ble Mr. Justice Din Muhammad.*—What about the other workers?—I have already explained the background which makes them take this despairing view.

Q.—What about other labour?—There are several other unions in this province. There is the registered union in Nellimarla in the Vizagapatam district, there is one at Ranipet in the North Arcot district.

*The Chairman.*—The Ranipet union has got 302 members?—Yes ; that is about 80 per cent. of the total number of workers in the factory. If you exclude the temporary workers, who are not satisfactory workers, it will come to about 90 per cent. of the total number. It is an excellent union, although a small union.

Q.—The Nellimarla union is a long way off?—But still it is in a part of the province, and I do not see why seats should not be distributed, so that the outlying unions also may have the opportunity of sending in their representatives.

Q.—But the reports on these unions are not altogether satisfactory. They have great trouble, it seems, in sending their returns?—That is true ; but the registered unions have had no status given to them so far. There has been no incentive. It may be that some unions are afraid of independent audit at present ; but I would be ruthless in regard to such unions. If they want political rights, they must conform to certain requirements.

Q.—Supposing we ask you, on the basis of what you suggest, as an encouragement to develop and as an incentive to other unions to put their houses in order and to become efficient, to select certain unions and give one seat to them or probably two seats, which would you suggest? Your Madras Labour union of course had a membership in 1934-35 of over 3,000, or about 3,190. The Madras Government Press Employees' union has ceased to exist. The P. W. D. Workers union, no. Then we come to the M. & S. M. Railway union. What is your view about it? Is it to include the clerical staff?—The M. & S. M. Railway union has been through various vicissitudes ; it had a very good membership until the big strike of 1932 when the strike lasted for 10 or 11 weeks. After that strike, the membership went down.

Q.—But does membership include the clerical staff?—I think it does.

Q.—What is your opinion?—I have had letters from my railway friends to whom I sent my memorandum for their opinion that they all agree with everything there except in respect of the exclusion of the clerical staff from membership of unions. I think the position differs in the textile industry. So far as railways are concerned, probably there is no harm in including the clerical staff.



*Q.*—It is difficult to know where the clerical staff ends ? What about ticket collectors ?—I suppose we must have an upward limit in regard to wages.

*Q.*—Rs. 60 or Rs. 100 a month ? One man may be an assistant station master today ; he may be transferred tomorrow as a ticket-issuing clerk ?—Probably there is no great harm in their being allowed to be members of the railway unions.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—A distinction was suggested to us between people who are actually employed as members of the clerical staff on the station yards and those that are in the offices. Would you maintain that distinction ?—I think it will be impracticable to maintain such distinctions.

*Q.*—Take the ticket collector for instance. You cannot enfranchise him, because if after one election the railway administration transfers him to some other job that will deprive him of his vote for the next election ?—Quite so.

*Q.*—Then what would be your attitude in regard to enfranchising the clerical staff of the railways ?—Personally I would draw the line at a particular wage level and see that below that, all are entitled to vote.

*Q.*—What would be the limit ?—Wages differ in different provinces ; but in our province it may be fixed at about Rs. 50 or Rs. 60.

*Q.*—That is, all those drawing Rs. 60 and below in whatever capacity employed, would be enfranchised under that scheme ?—Yes, provided they are members of their unions.

*The Chairman.*—And you would not have that limit all through ? Otherwise, you would exclude the engine drivers, and some of the stokers who are getting more than that ?—I speak only of the clerical staff.

*The Hon'ble Mr. Justice Din Muhammad.*—You want to enfranchise even those clerks who work in the administrative offices, and have nothing to do with labour ?—I must confess that I am not in close touch with the railway unions. I have not been so since their big strike. Many of these lower paid clerks who join the unions expect the unions to take up their questions with the administration, and I do not see why men drawing up to a level of Rs. 60 in this province should not be allowed.

*Q.*—But the question is whether you will treat them as manual workers ?—After all they will be a very very small proportion to the total number.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—In regard to railway unions you say you would have no objection to enfranchising some members of the clerical staff, but that is not a rule which you would apply to textile unions ?—In the textile unions the position is rather different. Our membership is smaller for one thing, and our experience has been, with the exception of a few instances, that as a general rule the clerical staff does not come in easily into the unions, and even if they do, the workers are very suspicious as to the motives with which they come in—whether they want to be genuine members or whether they come in as spies on behalf of the employers.

*The Chairman.*—Do you know anything about plantation labour ?—I have never been in a plantation.

*Q.*—This is one of our troubles there. If you exclude a small percentage of the clerical staff there, you will get people who will know nothing of labour and plantation life, but if you include those who are out in the garden, their interest up to a point will be identical with the rest of the labourers, but beyond that point, it will diverge. I think it will be then much the same as in the railways. Up to say Rs. 50 or Rs. 40 a month, the interests of the low-paid staff are to a certain extent identical with and has something in common with the manual workers ; but beyond that point, their interests diverge. You say that in regard to the textile industry, it is quite different ?—The conditions are different in the railways and the textile industry. In the railways you get the literate type of manual labourer too, but you get a very large number of men in the textile unions with various degrees of education. On the whole, railway labour is more enlightened than labour in the textile industry. But in the textiles, you get a sharper demarcation between the illiterate manual labourers than you get in the field of mistris and jobbers, of whom also the

workers are sometimes suspicious. They are generally suspicious of the better paid man everywhere. Then of course, the clerical staff are there who as a rule keep out of these unions, and even if they come in, as I said, they come in with their own motives.

*Q.*—Now going back to the former question, you suggested the Madras Labour Union; then we come to the M. & S. M. Employees Union; then there is the S. I. Railway Employees' Association—that goes with the other one, I think, the S. I. Railway Workers' Union, Trichinopoly.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Your suggestion in your memorandum is that all railway unions together should be entitled to send only one representative?—Yes, on the ground that railway is essentially a Central subject. My own view would be—I do not know what the railway unions would think of it—let the M. and S. M. Railway Union send its representative to the first Assembly, let that right be conferred on the S. I. R. union for the second. That is what obtains now I think in regard to the Bombay and Ahmedabad millowners.

*The Chairman.*—It is not a very satisfactory arrangement.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—What would you say if these two were combined for one representative?—Our Presidency is very large and there may be some difficulty for the voters, say, in Waltair, to vote for a candidate from, say, Madura.

*Q.*—If you speak of the railway workers' union in Trichinopoly, that won't cover the whole province?—That would be only for the southern part of the province; but the M. and S. M. railway goes up to Waltair. That is the only idea I have in my mind.

*Q.*—But supposing there are various polling booths where these people can record their votes, probably there won't be so much of difficulty?—Of course these railway people can get free passes, and railway labour is more enlightened than other labour.

*Q.*—In fact the railways may co-operate with us in this matter and they may also offer facilities to these workmen to go and vote. You won't have any serious objection to these unions being amalgamated even for the first election?—If that can be managed, I have none.

*Q.*—Your real point is that whether they are amalgamated or whether the vote goes in rotation, the railway unions as such must have only one seat for the Provincial Assembly?—Yes.

*Q.*—And so far as the textile workers are concerned, you recommend two seats?—Two to start with, later on to be reduced to one.

*Q.*—How would you have the election for these two seats?—Having regard to the existence of registered trade unions in this province, I would give one seat to Madras City and one to Madura and Tinnevely districts, which would go to Coimbatore district for the next election.

*Q.*—What is the Madras union called? The Madras Labour Union?—There is the Buckingham and Carnatic Mills Employees' Union which is also a registered union.

*Q.*—What else in Madras?—I also see in the report to the Government that there is what is called the Choolai Mills Union—probably a small union?

*Q.*—I do not find it in this list?—I think it is not now in existence.

*Q.*—Therefore, the textile unions which would combine for this purpose are the Buckingham and Carnatic Mills Union and the Madras Labour Union?—Yes.

*Q.*—For the mufassil?—I would for the present take the registered unions in the Madura and Tinnevely districts. There used to be one in Tuticorin, but I find it has been since dissolved.

*Q.*—So that the only mufassil union according to this list is the Madura Labour Union for textile workers?—Probably the Tuticorin union has gone out of existence.

*Q.*—The Madura Labour Union has a membership of 571. Would you suggest that it should get the right to send one representative?—I may say quite frankly that when I drew up this memorandum, I did not have these detailed figures before

me ; but having looked into the figures, I do realise that it would not be possible to leave it out of account. I would not mind if Madura, Tinnevely and Coimbatore are taken together as one, even though they are not perhaps registered unions. Coimbatore also is a rapidly growing centre in textile industry.

*Q.*—I do not find any textile union in Coimbatore ?—But Coimbatore will soon be the most important textile centre in the province. I think there are now about 20 to 25 mills already in existence there.

*Q.*—When we are framing a scheme, we must I suppose, mention this trade union, that trade union and so on. As regards the fortunes of those trade unions, we do not know anything. How would you solve the problem ?—You are making arrangements not just for one election but for all time, as long as the new constitution is to be in force. What I would say is this : when specifying the unions which should be recognised as constituencies, the textile registered unions of Coimbatore, Madura and Tinnevelly districts may have one seat. It may be that for the first election you get this rather poor Madura labour union ; but the moment you do that, I am absolutely certain that at the next election you will have 5,000 or 10,000 members in these unions.

*Q.*—That is, you ask us to frame an elastic scheme which would permit of admissions ?—If I may speak quite frankly, I am thinking of one thing which has not received sufficient attention in this country. I feel from experience of the workers' movement that improvement in working class conditions will not come merely through legislation. If you want peace in industry, there should be voluntary agreement between employers' federations and employees' associations and that is more important than anything else ; and anything that assists the organisation of workers on a sound basis should be welcome from that point of view.

*The Chairman.*—In the interests of both the employer and the employed ?—Yes. In England a good deal happens by way of voluntary agreements, and a great many disputes have not been referred to Government for action, and have been settled through voluntary agreements on the part of the parties concerned directly in these disputes. And if unions have not sprung up in this Presidency, the real reason is that there has been no encouragement, and in fact they had to incur a tremendous amount of hostility.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—So your proposal would be to have ' textile unions in the City of Madras '—leaving the description in that general manner ?—Yes, provided they satisfy certain general rules that you may lay down—that they must be registered, of a certain standing, that membership should be assessed by an independent tribunal.....

*Q.*—If we say for instance ' all registered textile trade unions in the City of Madras ' will form one constituency and afterwards stiffen up the trade unions, that will automatically work, and the result you hope for will be achieved ?—Yes.

*Q.*—So far as the other textile unions constituency is concerned, you say that all the textile unions in Madura, Coimbatore and Tinnevelly should be clubbed together ?—Yes.

*The Chairman.*—I do not think we can build a house and leave it empty ?—If that proposal does not meet with your acceptance, my next suggestion is that until registered unions come into existence, this shall be the arrangement for the textile centres in Coimbatore, Madura and Tinnevelly districts.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—That is for sending one representative ?—Yes.

*Q.*—Until satisfactory substantial trade unions come into existence ?—Yes which you will define. I won't leave it to the local Government to do that.

*Q.*—And you say when they come in, they can take the place of these unorganized labour centres ?—Yes.

*The Chairman.*—You have laid great stress on what I may call the educative value of the vote as being an encouragement, so that if a seat is to be given to unorganized labour—what I think the Whitley Commission called special labour—that

will encourage the formation of regular trade unions?—Otherwise that particular incentive would be lacking, I think.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—So you agree with the observations of the Royal Commission in this matter, i.e., that the conferring of this privilege would be an incentive to the healthy growth of trade unionism in this country?—Supposing you do not recognise trade unions and give the privilege to unorganized labour in a particular constituency, you cannot prevent unregistered unions from springing up and influencing the votes of the workers there. As the Royal Commission pointed out, some form of organization is inevitable. Either it is organisation on sound lines or on other lines. The moment you give a seat to a particular constituency, forces are bound to arise and work in a particular direction.

*The Chairman.*—The trouble here is that the trade unions are, with a few exceptions, very small?—They have been sat upon rather hard. That is why they have not grown.

Q.—I suppose that is the trouble. And what is the M. E. T. and S. C. Employees' Union, Madras?—That is the Madras Electric Tramways and Supply Corporation Employees' Union.

Q.—Can we include that in the Madras Labour Union?—Ours is a textile union.

Q.—But if we take certain recognised trade unions in Madras and form them into a constituency, would you get a larger electorate that way?

*The Hon'ble Mr. Justice Venkatasubba Rao.*—I think the Royal Commission proposed it as an alternative method. Take all the trade unions relating to one industry, group them together or take all trade unions in a particular territorial centre and amalgamate them for this purpose. I think both the suggestions have been put forward by the Royal Commission on Labour. I think the Chairman has put forward the second of the two suggestions?—My view is this: the representative of the textile industry will have to specialise in certain problems relating to textile labour, and it is a rapidly growing industry in this province. I would give two seats to the textile industry; but there are certain other unions which I would lump together and give one seat. Some of these smaller unions which have no major problems so to speak of a special character, may be grouped together. For instance, there is the match factory workers' union. I do not know if it is now in existence. Take again the tramway workers. Then there are several small unions such as the drainage workers of the Corporation. All these unions may have about 200 to 300 members. I do not see why a number of these unions should not be put together to form one constituency.

Q.—That would be quite all right so far as the City of Madras is concerned, because it is a compact area?—Just at present the Madras City happens to have a large number of registered trade unions in the province. You cannot get over that fact. Personally, I won't mind reducing the number of seats for Madras by one and giving it to other areas which may develop unions later on. Now of course we cannot say which particular areas will develop such unions. That is why I suggest in the latter half of my memorandum that certain seats should be on a territorial basis. I would give to, say, three districts of the Northern Circars one seat. At present there may be only one union to send a representative, but by the time of the next elections, I think there will be several unions springing up.

Q.—Supposing I ask you to suggest to us the six constituencies, which would you suggest, with the list before you and with the limitations contained in that list as regards membership, etc.?—I do not know if you will permit me to do that. May I sit down and do it and give it to the Secretary tomorrow?

*The Chairman.*—Oh yes. It is quite open to you to put in there: "I suggest this territorial area; there are 2 trade unions in this area or only one; it is a small one, but I am suggesting it in the hope that by this constituency being formed, an impetus will be given to the trade union movement which will mean more satisfactory trade unions in the future", etc. I am not myself very sanguine about

it; I think it will throw great difficulties in the way, and this is a novel idea to form a constituency to be filled up at a later date. Still, as I said, we shall be glad to have your suggestions. Supposing we decide—and there again it will be experimental—that there should be two trade union seats in this province, how would you distribute those seats? Would you take the textile workers throughout the province as one trade union, and the railway workers throughout the province as another; or would you give us two special areas where the movement might develop?—So far as railway workers are concerned, I have already said that there will be no great difficulty in combining the two railways, the M. S. M., and the S. I. railways. These are the only two main railways in the province. Whatever the actual number is going to be, it will be impossible to have one seat for all labour. So far as textiles are concerned, it will be very difficult. I am very keen on seeing a close and intimate contact between the representative and the voters. It is very difficult for a representative of the textile industry, supposing one comes from Madras, to go to Coimbatore, Madura and Tinnevely and other centres of minor importance and keep himself in touch with the men in all these centres.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—So, what would you suggest?—I suggest two seats for the textile industry, one for Madura, Tinnevely and Coimbatore in the mufassil. Those are the most important centres.

*The Chairman.*—In the future, not at present?—But the only point of difference is that I would rather have it even now for the unregistered trade unions. I am not sure if I have convinced the Committee there.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—The only difficulty is, there is only one trade union of that description with a membership of 500?—Personally, I would not mind if you make it one constituency and call it a special labour constituency, the member to be chosen should be not by all the registered trade unions but by direct election, and I would also put in a proviso that as soon as a registered trade union with a certain minimum membership has come into existence, it will automatically revert to that.

*The Chairman.*—How will you do that and who is to decide that?—If you lay down a minimum membership it will be all right.

*Q.*—It is so difficult to imagine a hypothetical constituency like that?—I hope this cannot be applied to any other special constituency.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—The question is one of general importance as it applies to more than one province, and it applies to more than one interest. Supposing you take a commerce constituency, and we say that constituency 'A' shall be given this right. That constituency 'A' today is very good and a substantial body. But one year hence—as we know the tendencies in our country—it may completely disappear from the list of substantial bodies. In such a case, does representation continue to be attached to that body? That is the question which we have to face in regard to each of these special interests and that is why I lay some stress on this aspect of the matter and if you give some satisfactory answer in regard to labour, probably the analogy may be extended to other special interests?—If you take the case of the Madura Labour Union, the membership at present is 571, but its potential membership is 10,000.

*Q.*—How is it then that you have only this number?—We had over 5,000 before the lock-out. That is also a registered trade union. Why is it that its membership has fallen down.

*Q.*—Supposing today it is 5,000 and after we have made it a special trade-union constituency, the membership dwindles to 500 or so?—It is most unlikely.

*Q.*—No, I am putting to you both the possibilities. Therefore, in my opinion, you must suggest some tentative and flexible scheme?—Let me take your last question immediately. If supposing the membership was 5,000 and then it dwindles to 500, there must be certain reasons why it dwindles. If it is the hostility of the employer I am not in a position to answer that. I hope and trust that the employers would be more liberal-minded in future than they have been up to now. But.

if the fall in membership is due to the mismanagement on the part of the executive of the union and the men are dissatisfied with my leadership, because there is a seat available, someone else will start another union or the workers themselves will see that a new union is started and the 4,500 men will not remain non-members but will start another union of their own.

Q.—That is all right. All the same union 'A' will not be the union which will be entitled to enjoy the privilege, but it is another union which has taken the place?—Yes. What I want to say is.....

Q.—I am only reinforcing your arguments by example.

*The Chairman.*—It seems to me rather like this. What you are afraid of is if as a result of our labours certain special labour constituencies are formed representing unorganised labour in those areas, the interests of the trade union movement will receive a definite set-back because the door of access to the legislature has been closed. Therefore, you would like to make some arrangement by which that door is made to remain open; and that in future in the event of labour which is now unorganised, becomes organised by some device, trade unions should be replaced by unorganised labour?—Yes, that is my view. I would like to add one more word. If you will not misunderstand me, can any one guarantee that the arrangement you may make for the representation of unorganised labour will not also be twisted by unscrupulous politicians and employers? It is more likely that the employers will be able to play about in a constituency where there is unorganised labour, than in a constituency where you have definitely given recognition to registered unions. If you take the case of the Madura union, it may be that its membership is about 570 now, but if I go to Madura tomorrow and address a meeting, there will be 5,000 present. The other 4,500 do not pay subscription because they do not know who is the person in charge of the office and the names of those who are paying subscriptions. So, it is not the lack of interest in the movement, but it is just the fear of losing their jobs, knowing the employer they have to deal with. And, as long as you do not make any distinction between registered and un-registered trade unions the present difficulty is bound to continue.

Q.—It is of course a very difficult problem to solve. In a way, would you favour us with your views on : (1) how will you divide the province into constituencies for the six labour seats, and (2) what will be the trade unions you would like to give representation. I would like to put one to the railways, and what would be the other five?—Yes, Sir.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—I think a good portion of your memorandum is devoted to arguing the case in favour of an outsider or an ex-worker being made eligible to stand as a candidate?—I would like to further amplify it.

Q.—You need not amplify the matter because you have argued the subject very fully in your memorandum itself. You are definitely of the opinion that in the interests of labour an outsider, that is to say, an honorary member or somebody like that of a trade union or an ex-worker, should be eligible to stand as a candidate?—I would leave it to the voters to decide as to whom they would like to elect.

Q.—You would put no restriction?—None at all. Because, it would be impossible for an actual worker to be away for 4 or 5 months in a year from his actual duties in order to attend to his duties in a legislature, unless he is prepared to echo the views of his employer.

*The Chairman.*—Supposing there is an unorganised labour constituency. There it may possibly be confined to workers. But in trade unions, you have got your Secretary and some honorary members of the executive. It seems obvious that they should be eligible to stand as candidates. So, pending the formation of trade unions you would confine membership to some one on the electoral roll of the constituency?—My only point is, it will be very difficult for an ordinary worker to be away for so long from his work and attend to his duties in the legislature, which in the future will be growing more and more heavy in the new legislatures. I personally do not

see why. After all the desire of the worker is to see that the representative has an intimate knowledge of the difficulties of the workers.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—There may also be the suspicion that the so-called representative may turn out to be a mere adventurer?—Not exactly that. He would not be returned a second time. After all, no constitution is fool-proof. Personally, I have a high regard for the practical sense of the workers in this Presidency. I do not expect that such things will happen.

*Q.*—I take it you would also say that adventurers also may be returned by special constituencies?—Yes.

### 57. Evidence of Messrs. S. Ahmad Sharif and C. V. Theagarajan, Representatives of the Buckingham and Carnatic Mills Employees' Union.

*Madras, dated the 27th November 1935.*

*The Chairman.*—Yours is a registered trade union?—Yes, our union was the first trade union to be registered.

*Q.*—You take the view that franchise should not be confined to trade unions?—Yes, it should be given to all the workers of factories.

*Q.*—Is it not more in the interests of the workers to encourage the formation of trade unions?—Yes, but at present the trade unions are not strong enough. The unions at present are very few in number when compared with the number of people working in the factories. For instance, in the Buckingham and Carnatic Mills, there are about 8,900 men and there are only very few members in the Madras Trade Union and so also in our union. Others who are not members of these unions will be deprived of their franchise if it is limited to unions alone.

*Q.*—If representation is given to your union, will not those who are at present not members of any of these unions, join them as members by paying subscription?—As far as the Buckingham and Carnatic mills are concerned, they have got the welfare organisation where they get their grievances redressed whether the worker is a member of that organisation or not. As long as a worker gets his grievances redressed irrespective of his being a member or not, he will naturally prefer to join that organisation where there is nothing to pay as subscription, instead of joining our union where he has got to pay some subscription.

*Q.*—I take it that the welfare organisation is run by the employer?—Yes.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Though, you are a member of the Buckingham and Carnatic Mills Employees' Union, you put forward the contention that the union need not be given the right to send a representative?—We want the representative to be sent by the textile workers.

*Q.*—That comes to the same thing. You do not want the union which has taken the trouble to form itself into a union, to be regarded as a constituency?—Because it is not strong enough.

*Q.*—You would rather like to bless the organisation which has been formed by the employer?—No, it is not formed by the employer. I am not asking you to give representation only to the Welfare committee, but there are three mills in Madras, the Buckingham and Carnatic mills and the Choolai mills and let representation be given to all the workers there.

*Q.*—I understand you. You want representation to be given to all the workers in all the three mills?—Yes.

*Q.*—Therefore it is a self-denying measure, and you do not want any representation to your own union?—Because at present most of the unions are not strong enough.

*Q.*—Very few are coming forward to give evidence in such a frank manner. We are very much taken up with your attitude. You do not want representation to your own union?—No.

*The Chairman.*—You have given a very full representation and I do not know if there is anything you wish to add to that. You are a trade union at present?—Yes.

Q.—How many members you have at present?—About 400.

Q.—How many of them are workers?—All are workers.

*The Hon'ble Mr. Justice Din Muhammad.*—Out of how many workers?—Out of about 8,000.

Q.—What is your subscription?—One anna per head.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—You do not expect the membership to increase?—There is no chance of increasing the membership.

Q.—Because there is another organisation run by the employers and on account of the very excellent organisation which is being conducted by the employers you think that your employees' association has no chance of growing?—Is that it?—Yes.

*The Chairman.*—Therefore you want to have direct representation and not through trade unions?—Yes.

*The Hon'ble Mr. Justice Din Muhammad.*—What is your trade union going to do for the workers then?—Redress the grievances of the people.

Q.—For that there is the welfare committee?—But there are so many other grievances which are not redressed by them for which we have to approach the management.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—You say there is the welfare committee and therefore your union does not need any special representation and you also say that because there is such an organisation your people could not join your union, but yet you continue to run your union, I do not know for what purpose?—There are so many grievances of the workers to be remedied.

*The Hon'ble Mr. Justice Din Muhammad.*—Pertaining to the 400 people who belong to your union?—Not only for them. We do not restrict our activities only to members of the union, but even if they are non-members and if they are workers of the Buckingham and Carnatic mills, we take up their grievances and try to redress them.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Having that laudable object in view, why don't you attract more people to come and join your union which is run on these noble principles.

*The Chairman.*—Your statements are very full and I do not think we have anything more to ask you.—(*Mr. Thangaraju*) We also take in employees.

## 58. Evidence of Messrs. V. Adikesavalu and K. V. Bhatavatsalu, actual workers of the Buckingham and Carnatic Mills.

*Madras, dated the 27th November 1935.*

*(Translated from Tamil.)*

*The Chairman.*—Whom do you represent?—We are actual workers in the Buckingham and Carnatic mills.

Q.—Are you members of any trade union?—No, Sir.

Q.—Why have you not joined?—There is no good in joining them.

*The Hon'ble Mr. Justice Din Muhammad.*—You are a member of the welfare committee?—Yes.

Q.—And you are quite satisfied with that committee?—That welfare committee is able to redress all our grievances. Whenever we have any grievance to be remedied, we represent them to the employers and they redress them.

Q.—You are able to do that?—Yes, we are able to do that.

Q.—What is the trade union doing for the workers?—The union is not really attending to the grievances. Only when Government has something to do with labour or when they ask them about anything, they may do some work.

Q.—What have you done?—In some cases we have been able to cancel notices issued to some workers.



*Q.*—Do you like to be represented by an outsider or by a worker in the Legislative Council?—Only by labourers and not by an outsider, because we cannot trust him.

**59. Evidence of Messrs. C. Basu Dev, M.L.C., M. S. Kotiswaram and K. R. Avadhani, B.A., B.L., of Labour Sub-Committee of Provincial Delimitation Committee.**

*Madras, dated the 27th November 1935.*

*The Chairman.*—You belong to the labour sub-committee?—Yes.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Mr. Basu Dev, you were also on the sub-committee?—Yes.

*The Chairman.*—What do you think about the representation of labour in the Federal Assembly?—(*Mr. Basu Dev*) We are asked for our views and we have submitted our memorandum.

*Q.*—Mr. Basu Dev, you think that the dissociation of politics from trade unions would be the best thing for the proper development of the trade union movement?—Yes.

*Q.*—Why?—We know the result of that association. The Government of India has been consulting the trade unions with regard to the workers' delegation to Geneva. That split up the trade union movement into three association and it has further sub-divided the trade unions.

*Q.*—There is the Trade Union Congress and the All-India Trade Union Federation?—There are now two groups of trade union congresses and in addition there is the Trade Union Federation. There are two wings in the Trade Union Congress.

*Q.*—What are they?—One is the very extreme wing of which the president is Mr. Ruirker.

*Q.*—Holding communist views?—Yes communist views. In this Presidency there is no co-ordination between the various labour associations, registered and un-registered. There is much difference of opinion in these organisations with regard to choosing the workers' delegation to Geneva.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—There was until 1929 an All-India Trade Union Congress?—Yes.

*Q.*—Then there was a split?—Yes.

*Q.*—That was due to the communist influences making themselves manifest in the All-India Trade Union Congress meetings?—In every group.

*Q.*—Confine yourself to that particular matter?—There was the Whitley Commission coming. On that issue there was a split.

*Q.*—Some took a very extreme view and it was then thought that the communists were trying to get a hold upon that organisation? Was it not what happened?—That was the ostensible reason.

*Q.*—What happened at the Nagpur session of the Trade Union Congress in 1929?—I was not present. I heard that the question at issue was the Whitley Commission. Of course there were very many reasons adduced for getting away from the parent body. One of the reasons was that the communists were trying to get a hold upon that organization.

*Q.*—Therefore, I think in 1929, those who wanted to take a more moderate view of things seceded and formed the National Trade Union Federation, and since its formation it is being respected and recognised by the Government?—I know it is recognised by the Government, but I do not know to what extent it is respected.

*Q.*—But so far as respect can be translated into acts, those acts show that the Government have some regard for that body?—I can say that it is recognised.

*Q.*—You cannot say that it is respected from 1919?—It may be necessary for the Government to respect it.

*Q.*—The National Trade Union Federation has been recognised?—Yes.

Q.—There is another association which is receiving recognition, called the All-India Railwaymen's Federation. So far as these two associations are concerned, are there any charges levelled against them?—I can say this: the Railwaymen's Federation is artificially kept up with large membership with the help of the Mutual Benefit Fund.

Q.—Surely every trade union is kept up by some artificial means, by benefit funds and things like that. You cannot say that it is artificially bolstering up a thing?—The membership of the mutual benefit fund is conditional upon membership of the union.

Q.—Quite right. That is one of the ways in which a trade union is always sustained and kept up. You do not say, I suppose, that people form into unions merely for the fun of it. They get into unions for some material advantages. You have no stronger objection to these unions than that they hold out inducements?—Trade unions are formed for promoting the interests and the general working conditions of the labourers.

Q.—That is too vague you see. You therefore are against trade unions on the ground of their unsatisfactory organisation?—Yes, and the disruption that they cause.

Q.—I will come to the question of disruption by and by. Had you in mind any particular trade union when you spoke of the unsatisfactory organisation?—All trade unions are like that.

Q.—You heard Mr. Shiva Rao of the Madras Labour Union. We got the impression from his evidence that it is one of the best organised unions?—I am not talking about the administration of that union. But I will say something about its membership.

Q.—Is it a well organised union?—It is one of the very few well organised unions.

Q.—Can you mention to me another well organised union?—There was a well organised union called the M. & S. M. Railway Union.

Q.—I understood from the evidence of Mr. Shiva Rao that it continues to be that?—As far as I know it had no members at all for sometime.

Q.—We are told that the M. & S. M. Railway Union has now a membership of about 7,800?—Yes.

Q.—It is a well organised union?—I will say this: last year the membership was given as 11,000.

Q.—Was it not true?—Those 11,000 members had not paid their subscription and it had to be written off.

Q.—You know the fluctuations in the fortunes of the trade unions. You cannot expect a fixed number of members in trade unions and the reasons have been explained to us now. You cannot make a general condemnation of these trade unions and say that all trade unions are unsatisfactory. We quite recognise that there are many which are unsatisfactory. That is one of the problems with which we are faced?—At the present moment the M. & S. M. Railway Union itself is full of factions.

Q.—That is a matter on which we have no information.

*The Hon'ble Mr. Justice Din Muhammad.*—Don't you think that in the interests of labour the trade unions should be encouraged?—Certainly they ought to be.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—You have read the report of the Labour Commission as regards the functions which a trade union should perform in the growth of the labour movement?—I have read the report.

Q.—Do you agree generally with those views?—I do not generally agree.

Q.—You do not agree with those views at all because they are very much in favour of trade unionism being allowed to prosper?—Our experience since the time

of that report is very sad, and it does not encourage the hope that by mere official encouragement of trade unions, the real interests of labour will be served.

*Q.*—Why do you say that? What is the meaning of trade unions? They combine for the purpose of improving their condition, and if an association or body like that is run on proper lines, it must be in the interest of labour?—At the present moment unless the Government gives some more protection it is not much good.

*Q.*—You say that we must stiffen our attitude towards them?—You must tie up the hands of the employers.

*Q.*—We agree there. You say that trade unions can flourish only if the employers are not in a position to victimise people who join the unions?—Yes.

*Q.*—So long as that state of things is not brought into existence you say that trade unions will be a farce?—Yes, Sir.

*Q.*—That is your only ground for refusing recognition to trade unions?—Yes, Sir, I also wish to submit that if you recognise trade unions as the basis for the formation of labour constituencies, political influences will come in.

*Q.*—You mean that men having some political ends to serve will get hold of the trade unions and make them the instruments for their own advancement? Is that what you mean?—Yes.

*Q.*—That could be done in the case of unorganised labour also?—I would respectfully submit this. If you enfranchise the factory workers there will be a bigger constituency. If you recognise the trade unions for the purpose of this constituency, you will be placing these seats in the hands of political cliques.

*Q.*—It will be an argument against enfranchising any union however well regulated it may be?—Sir, in this connection I would like to say one word about what Mr. Shiva Rao said. He claimed for the Buckingham and Carnatic Mills Union one seat to be reserved for the textile workers. Now the Madras Labour Union has a membership of 2,700. It draws its members from the Choolai mills. The B. & C. mills employ 9,000 workers. If you recognise the Madras Labour Union for the textile workers, you will be limiting the constituency to the Choolai mills only.

*Q.*—Are they members of that union?—Those mills employ 12,000 workers and about 2,000 of them are members of the Madras Labour Union.

*Q.*—Of the 2,875 members in the Madras Labour Union, these 2,000 are from the Choolai mills and the remainder are from the B. & C. mills?—Yes. The B. & C. mills employ 9,000 men.

*Q.*—Is it the fact that the Choolai mill people find it more necessary to join the trade union than the B. & C. mill people? Is it due to the differing conditions that obtain in the two sets of mills?—It is so. But from the reports of its meetings and from my personal knowledge, I may say that the Madras Labour Union confines its activities against the management of the B. & C. mills and I have yet to hear of any allegation against the Choolai management which is very near. The difference in wages is great and the conditions of employment are abominable in the Choolai mills and yet, the labour union's activities are confined to the B. & C. mills.

*Q.*—Their activities are intended to better the condition of the people in those mills?—Yes, but they have not devoted adequate attention to the Choolai mill operatives.

*The Chairman.*—I understand you to say that members come from the Choolai mills and that the conditions of service in the B. & C. mills are better?—Yes.

*Q.*—You say that though the labour union consists of more members from the Choolai mills, the union does not try to improve their conditions as they do in the case of the workers of the B. & C. mills?—Yes. I may tell you, Mr. Chairman

that the Choolai mills give special facilities to the labour union in the matter of collecting subscription.

*The Hon'ble Mr. Justice Din Muhammad.*—Do you mean to say that it is really an instrument of oppression set up against the rival mills ?—I leave it to your inference.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Is that your view ?—I say that the labour union has not been working for the improvement of the condition of the majority of its members because of certain privileges given to it by the employers.

Q.—You say that so far as the B. & C. mills are concerned, they do not encourage the formation of trade unions ?—I am not saying that.

Q.—You said that the Choolai mills offer greater inducement to the employees ?—I will confine myself to one particular state of affairs. The Choolai mill administration allows the labour union to collect subscription from its gates as the workmen come out with their wages—while the B. & C. mills do not offer any such facility.

Q.—What is the inference ?—My inference is that on account of this facility and understanding of the trade union with the employers, the employers have not been properly approached.

Q.—Does it not also show that there is greater cordiality between them and the employees on account of their grouping themselves into a proper representative body ?—It is not so, Sir.

Q.—I cannot understand it ?—They too ask for higher wages when they find that the other set of men get about double their wages. I cannot understand how there can be cordiality between the employers and the employees there in the circumstances.

*The Hon'ble Mr. Justice Din Muhammad.*—They are more self-denying than the other workers ?—That is putting a very charitable construction. My experience of the trade union movement in this province is that the movement has been centering round the European employers.

Q.—Centering round ?—The movement is more political.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—I suppose the largest employers of labour are Europeans ?—There are very many Indian employees who employ large labour.

Q.—In Madras city I always thought that the biggest employers of textile labour are the Buckingham and Carnatic mills ?—And also they are the largest employers throughout India.

Q.—You confuse the issue there ? The largest employers of labour ?—But the conditions there are very good.

Q.—It may be your individual opinion. From the labourer's point of view, if they want to improve their conditions, naturally they must direct their efforts against the employer, without any political consideration being brought in ?—It is not because the administration employs a greater number of workers that you make greater number of representations. Representations depend upon the grievances.

Q.—You say it is merely racial ? The trade union movement in Madras has racial antagonism ?—That is my definite conclusion.

Q.—It is not political but racial ?—Yes.

*The Chairman.*—Then you are in favour of special constituencies of unorganised labour rather than trade union constituencies ?—Yes. In this connection I would like to quote the opinion of Mr. Ruirkar who has spent the best part of his lifetime in the cause of the labour movement. He protests against any restriction being imposed upon the franchise for workers. When you are giving the vote to the workers, what is the difficulty in giving it to everyone who is in a factory. After all you are enfranchising only industrial workers and those who work in factories are

easily ascertainable and rolls can be easily prepared. I suppose that it is the intention of Parliament to give representation to workers.

*The Hon'ble Mr. Justice Din Muhammad.*—It is not so easy as you imagine Mr. Basu Dev. The advantage of having the trade unions as the constituencies is that all kinds of labour can be represented which cannot otherwise be represented. Unorganised labour may be scattered over large areas and it may be administratively difficult even to arrange for their polling. That is the reason why a concentrated body like the trade union is contemplated?—I think the Delimitation Committee and also the Government suggested enfranchising factory labour throughout the Presidency in selected areas. That would reduce the administrative difficulty.

*Q.*—You realise the advantage of trade unions if they are properly and efficiently working.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—The remarks you made against the premier textile trade union in Madras applies also to the M. & S. M. Railway Union?

*The Hon'ble Mr. Justice Din Muhammad.*—He has already attacked it.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—What is your attack against that trade union? Do you say that that is also run on political or racial grounds?—Unfortunately there is no Indian employer of railway labour.

*Q.*—And so there is no racial question?—No.

*Q.*—And it is not political?—No.

*Q.*—You said that it is well managed?—You know how the trade unions are built up. It is just like the mobilisation of an army. A man organises a fight or a strike and the moment it is over, the union goes out, and there is no membership at all.

*Q.*—That does not help us very much, because we are not concerned with the general history of trade unions. We want to know your opinion of the M. S. M. Railway Union?—I think there are too many factions in it. In the South Indian Railway Union also there are factions.

*The Hon'ble Mr. Justice Din Muhammad.*—Have you any idea as to how many railway workers will be enfranchised, if we give the vote to the workers?—It depends upon what class of workers you want to include in the list.

*Q.*—You exclude clerical and supervisory staff?—It may be about 20,000 in the South Indian Railway alone.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—You have not been connected with any trade union in Madras?—I am connected and I was connected. I asked for dissolution of my union because it was impossible for the workers to run it on proper lines. As a matter of fact I have been very actively going about the Presidency seeing the employers in order to help the workers.

*The Hon'ble Mr. Justice Din Muhammad.*—Supposing there are 20,000 railway workers scattered all over the Presidency and one seat is allotted to them. Do you think it will be possible for a candidate to run about canvassing throughout the Presidency?—That is why I suggest that you should enfranchise only persons working in the Golden Rock workshops and Perambur.

*Q.*—These are the two or three principle centres?—In Perambur there are 6,000 and in the Golden Rock there are 4,000.

*Q.*—What is your committee's recommendation about railway workers?—I think they wanted the railway labour unions.

*Q.*—What have the Government done?—They have accepted it. Sir, I want to say one thing about the actual railway workers. One of the remarks which I

heard from the Chair was that at least in places where labour is not organised, we should restrict the candidature to members on the rolls.

*The Chairman.*—I think I said that the Government of Madras proposed that it should be so?—I am for restricting the candidature to the actual workers in all cases. If you are opening it up to outsiders in the case of unions, let unorganised also have the benefit of outside help.

*Q.*—If you have any special constituency for organised labour, you say that the candidature should be restricted to persons who are on the electoral roll?—Excluding honorary members.

*Q.*—In the case of non-organised labour?—There is no honorary member. You should exclude the honorary workers from standing as candidates. It will have an educative value to the workers if they are alone allowed to stand as candidates. But if you are not going to accept that, I suggest that there is a case for restricting the candidature at least in trade union constituencies.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—You are reversing the position. What the Chairman indicated was that in the case of trade unions there may be a case for honorary workers or outsiders being sent as representatives. Probably similar strong reasons may not exist in the case of unorganised labour. You say that in the case of unorganised labour, outsiders may come in, but that in the case of trade unions, candidature should be limited to workers?—Yes, for certain reasons. Then, Sir, with regard to the suggestion of Mr. Shiva Rao that one textile seat may be given to Madras, and that Madura, Tinnevely and Coimbatore should be clubbed together, I would refer you to the actual number of workers in the textile mills of those places. Madura alone has got about 11,000 workers and if you add to it Koilpati also the number of workers will come to 16,000. To this number if you add the Coimbatore 11,000 also, you get 27,000 voters in one constituency comprising of three districts. Especially in Coimbatore the mills are scattered all over the district. I therefore think that such a combination will be unmanageable.

*The Hon'ble Mr. Justice Din Muhammad.*—What constituency will you then recommend for the textile seats?—I would reserve one seat for Coimbatore and Malabar. That will be about 14,000 electors. I would give another seat for Madras, Madura and Tinnevely. There is very little likelihood of Madras or Koilpatti erecting more mills, but in Coimbatore which is a very suitable place for textile industry and six more mills are being erected there, you can reasonably expect about 40 to 50 mills. It is going to be the Ahmedabad of South India.

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### Bengal.

60. Letter No. 36-O., dated the 6th January 1936 from the Secretary, Indian Tea Association, Calcutta.

*Representation of tea industry and tea garden labour in the reformed legislatures of Bengal and Assam.*

It has now been found possible for me to reply to your letter No. L.-159/Ben.-24/26 of the 25th November 1935. I am to express the General Committee's regret at any inconvenience which may have been caused to the Delimitation Committee by the delay in the submission of the Association's reply.

2. You are concerned in securing a large extension of the tea garden labour electorate and an extension in the field of candidature with a possible improvement in the intellectual quality of the candidate; for you contend that the best argument for the introduction of the indirect system of election lies in these object being attained. You invite the co-operation of the Association to this end.

3. The main desire which has actuated the General Committee in their study of this matter has been that of assuring themselves that in the representation of tea garden labour in the reformed legislatures of Bengal and Assam, no place will be found for the irresponsible agitator with no labour qualification; and the reasons for this require no elaboration. That to the tea garden labour should be accorded representation of real worth has been recognised to be necessary and desirable and accordingly the principle has been accepted that no matter what position a person may hold on a tea estate he should be enfranchised provided he comes from the labouring class stock, this proviso being necessary to preserve that identity of interest which it is imperative should be present. Accordingly if a clerk, compounder, time-keeper or even schoolmaster comes from those classes of labour which are ordinarily found employed in tea gardens, he will be one of the tea garden electorate and it is precisely through this type of man that the Association visualise tea garden labour being represented in the legislatures.

4. The suggestion has been made that this might be achieved by the inclusion of the clerical and subordinate staff in receipt of a monthly salary not exceeding Rs. 60 but the General Committee do not regard this suggestion favourably; it is an arbitrary demarcation which by its adoption might exclude many of those to whom reference has been made above. There are on most gardens a class rapidly increasing and becoming better educated of descendants of those who were originally genuine labourers and there are jemadars and sirdars of the labouring castes doing Muharrir's work by which class it is considered the genuine labourers would have their electoral rights best served. Amongst them will be found jemadar muharrirs, haziramuharrirs, sirdars, compounders, mistries, motor drivers, etc., who are literate and educated, who preserve that identity of interest in the genuine labouring class by reason of their descent and who, because of their outdoor duties and close touch with the management, are regarded by the labourers in most instances as the appropriate channel through which to represent any minor grievances of requests they may have to make.

5. It has all along been the contention of the Association that in any definition of the electors and the candidates for tea garden labour seats, the classes to which reference has been made above should be enfranchised and in a letter dated 20th September 1935 to the Reforms Commissioner of the Government of Bengal it was mentioned that the following tentative draft of the qualifications for primary electors in Assam should be adopted in Bengal, candidature being restricted to persons who are primary electors:—

“A person shall be qualified to be a primary elector in a tea garden labour constituency who is a *bona fide* labourer of either sex over 21 years of age and who has resided in land belonging to a tea garden for a period of not less than one year prior to the date of the primary election.

“*Explanation.*—The term *bona fide* labourer does not include the ordinary supervisory, clerical and medical staffs employed on tea gardens but it includes all persons belonging to the labouring castes usually found in tea gardens even though such persons may have certain duties of supervision and, in particular, it includes the classes of persons known locally as jemadars, sirdars, chaukidars, and daffadars.”

6. The General Committee think that in the foregoing will be found a reply to all the points you have raised; they regret that a description of the duties of all employees on tea garden other than genuine labourers cannot readily be furnished as it is a task of some magnitude; it may be however that in the light of the foregoing, you may not now consider this necessary. Should there be any other points on which you wish further information, the General Committee will be happy to assist on hearing from you.

7. In conclusion I may add that a request has been received for a transcript of the evidence given by the industry before you in Calcutta and it would be much

appreciated if you could send this to me. A copy of this letter has been sent to the Reforms Officers in Bengal and Assam.

# APPENDIX.

## TEA GARDEN STATISTICS.

Assam .. .. .	255,543 $\frac{3}{4}$ acres.
Cachar .. .. .	45,597 $\frac{1}{2}$ „
Sylhet .. .. .	73,751 „

Total Assam .. .. 374,892 $\frac{1}{4}$  acres.

Darjeeling .. .. .	32,921 acres.
Teraï .. .. .	7,691 „
Dooars .. .. .	101,853 $\frac{1}{4}$ „

Total Bengal .. .. 142,465 $\frac{1}{2}$  acres.

TOTAL BENGAL AND ASSAM .. 517,357 $\frac{1}{2}$  acres.

The labour population in the gardens represented by the Association is as follows :—

Assam .. .. .	534,541
Bengal .. .. .	196,121

Total Bengal and Assam .. 730,662

## 61. Evidence of Messrs. H. A. Antrobus, J. S. Graham and J. A. Milligan, M. L. A., of the Indian Tea Association.

*New Delhi, 9th January 1936.*

*The Chairman.*—We asked you to come up, gentlemen, because we only got a reply to our letter of the 25th November yesterday, and as we were afraid no reply was coming we thought we would get the information verbally.—(*Mr. Antrobus.*) I apologise for the delay. We had to refer the matter to the up-country branches of the Association.

*Q.*—And this letter you sent on the 6th January represents their views? I think it would be convenient, Mr. Antrobus, if you would just tell us clearly what the views of the Tea Association are in this matter of the labour interests in Assam and Bengal. There are four seats in Assam and one in Bengal.—Well, our view is that if it has got to be done, we would rather have the mukhia system as the best.

*Q.*—But actually I understand that what you really prefer is nomination. Failing that you would rather have indirect election through mukhias. Well, for how big an area would that be? You see, that is the trouble.—(*Mr. Milligan.*) In the Dooars it could be spread over the whole area.

*Q.*—Is that the idea of the Government of Bengal—to have indirect election through mukhias? Jalpaiguri has an electorate of 113,000, and Darjeeling of



68,000. Do you think all these people could vote directly? It would mean having an election in each tea garden.—For the election of mukhias, of course, that would have to be localised. I take it the mukhias would represent individual estates, groups of labour in the gardens. The election would be garden by garden.

*Q.*—The administration could not go round to all the elections.—Not in one day, but if it was spread over a month it could be done. It would not be difficult to hold an election for a group of gardens in a few days,—several elections a day.

*The Chairman.*—Well then, you have got your mukhias. Supposing you have one representative for 50. If you had one per hundred or two hundred, the interest of the electors in the final choice of a member would be very small. So we may take one for fifty.—Well, it depends on whether a mukhia is appointed on the basis of belonging to the same tribe as the men he is representing, or was simply an individual representing so many heads of population. The distribution of population by tribes of a garden gives very interesting results. On some gardens you get a preponderance of one kind of labourer, on others of another.

*Q.*—In the Jalpaiguri tea plantations, taking one mukhia for 50, you would have an electoral college of about 2,000 mukhias.—Is that large number necessary? From any individual tea garden it would not be necessary to have more than half a dozen men to represent the views of the labouring forces.

*Q.*—We dislike the mukhia system because it gives the primary elector very little choice in the final election. In the case of the scheduled castes, they have that primary election, but they also vote again in the final election.—Against that, Sir, surely there is the advantage that it gives some interest to the whole of the constituency.

*Q.*—That is granted. And also it widens the candidature?—Well, it might do that also.

*Q.*—At present the Assam proposals would take gardens within a radius of five miles from Jorhat. Would you restrict the candidature to that little area in each case—to the gardens within that radius? That is the Assam proposal at present. It is fairly obvious that that restricts candidature to an undue extent. In that radius are you going to operate through these mukhias eventually? The candidate will probably be one of them, and restricted as it is to that small area, will you be able to get a candidate who really represents the interests of labour?—Yes, if there is going to be that very severe territorial restriction on the qualification of a candidate. But it might even happen that it is not so. So long as the candidate is in other respects suitable, the fact that he is not directly connected with this particular small area should not matter.

*Q.*—Then you would have no objection, if there was a satisfactory definition of what candidate should be eligible, to doing away with the residential restriction?—I think there would be no particular objection to a candidate who is domiciled in Assam or the Dooars, or for that matter some one who is in some close connection with tea gardens and knows the life of the people that he is representing. He would have to belong to the same class.

*Q.*—You say in your letter that no matter what position a man may hold in a tea estate he should be enfranchised, provided he comes from labouring class stock. Well, exactly what does that mean? Have you a list of the tribes from whom labour is recruited?—That is very easily furnished. The Tea District Labour Association can give you an absolutely complete list.

*Q.*—We would like to have that.—Could you have that sent up from Calcutta?—Yes, we have had always available statistic showing this analysis of castes, recruited,—going back for several years.—(*Mr. Graham*) Here is a statement of districts from which labour is recruited which might be useful. (*Mr. Milligan*) It is an analysis of Duncan Bros. gardens. It is most illuminating. It does not give all the castes. It gives the broad varieties.

Q.—Most of them come from Chota Nagpur.—Not in every case, Sir. There is a group of gardens that is very interesting,—this group here. You will see that in the case of some of them an enormous percentage is Chota Nagpuri, while in the case of others there is an enormous percentage of Nepalese—so that a constituency embracing these two would have a very even balance of Nepalese and Chota Nagpuri.

Q.—What is “residential” and “potential”?—(*Mr. Graham*) Residential includes all children, whether working or not. (*Mr. Milligan*) Potentials are those who are on the list as potential workers—on the roll. And effectives are actual workers who turn out and work.

Q.—In the case of the franchise, would it be given to potentials or restricted to effectives?—(*Mr. Graham*) Potentials, I should think.—(*Mr. Milligan.*) I understand, Sir, that a man must have put in 180 days on the list of the garden roll of labour.

Q.—I think the definition is “being a manual worker who has his place of residence in and has been in the employ of one or other tea garden for not less than 180 days immediately preceding the draft publication of the Act.”—(*Mr. Milligan*) That would be potential.

Q.—In these gardens potentials number 24,000 from Chota Nagpur, 2,400 from the Santhal Parganas, 583 from the Central Provinces, 2,104 from Madras—which includes the Agency tracts that would be in the province of Orissa now.—No, Sir. Korapat itself would be in the province of Orissa, but the whole of the tract from which these people are recruited would not. Many come from Bustar State.

Q.—Then there is 9,000 from Nepal.—There are Duncan Bros. Dooars gardens, scattered right through the Dooars and very typical of Dooars conditions.

Q.—Now, take these Nepalese. Are they British subjects?—(*Mr. Graham.*) Yes, the majority are. The majority of these have been resident in the Dooars for many years.

Q.—Paharias are not necessarily Nepalese. They are people from the hills—mostly Nepalese—classed with Paharias.—(*Mr. Milligan*) They have colonised a large area of the Dooars. Drifting from the tea gardens they have taken up first sub-tenancies under Jotedars and quite a lot of them form a considerable part of the population about the middle east of the Dooars. They have come entirely through the agency of the tea gardens.

Q.—Supposing you had a schedule of the castes and tribes from which tea garden labour is recruited—would you put these Paharias in?—Yes, but only in a subsidiary capacity because it is only gardens that are somewhere near who employ them. You will find, if you look at the list, if you go to the west end of the Dooars there are very few gardens who employ them.

Q.—Well here is one garden—Chalouni.—Right down the frontier of Bhutan.

Q.—Then these are really half Bhutanis and half Indians.—They are Nepalese originally, but they do not necessarily live in Nepal. I had Nepalese servants for years—they had a home in Nepal but to all intents they did not live there—they had a bit of land in the Dooars.

*Q.*—They always go back for marriages and so on.—But they do settle where they go. A great many of them have settled in Bhutan. They came along there and they were more virile and quarrelsome people than the Bhutanese, and they entirely dominated the country along the frontier and caused a great deal of trouble to the civil administration. Those who come to the tea gardens are rather different type—very much more amenable to discipline and ordinary settled life and they have as I say largely colonised considerable stretches of the Dooars.

*Q.*—And you think they would be recruited as British subjects?—Oh yes, undoubtedly. They hold land as British subjects.

*Q.*—The others who come in from Nepal—what would they be?—No one has troubled to inquire. Some of them who live on the Darjeeling hills would be classed as British subjects. Quite a lot come in annually from Nepal.

*Q.*—I think I am right in saying that Assam confined candidature to these small groups.—If the constituency, Sir, of Northern Bengal is going to include Darjeeling, it is difficult to exclude these Paharias and Nepalese.

*Q.*—That is one of the difficulties. Those who actually have a proper residence in Darjeeling will be eligible, but those who come and go from Nepal may be foreigners. You may remember there was a case of illegal recruitment in Assam where a garden got a good many Nepalese coolies under false pretences but where Government could not interfere because they had not recruited British subjects. Let us go back to the question of mukhias. Do you see our objection? You will see from the proposals of the Assam Government that they restrict the candidature to primary electors within this radius. I think we may say that it is much too restricted. There are 20 or 30 people and they have got to produce a candidate to represent the whole of the labour force for a large area. That seems totally insufficient.—To make it a cast-iron rule would be certainly asking for trouble but if you say "Normally or where possible".

*Q.*—You could not do that by an Order in Council, and the Local Government do not like the idea that was put to them that we should spread the constituency over the whole of the province and hold mukhia elections, primary elections, taking a month or even two months over it, to get a large number of mukhias. They did not like that. They thought the strain on the Government officers would be too great. Would you have any objection to taking a typical area, an area say that is typical of tea gardens, giving an electorate of 10 to 12 thousand voters and having direct election supervised by Government officers outside the tea gardens. You would not get any chance of friction among the gardens then, one against the other. We want the labour forces to recognise that this is sarkari work—government business—and not the employers' work,—that when they go to vote they are free of the employer's influence altogether.—These 10 or 12 thousand electors would be practically mukhias for the rest of the population. They would have the disqualification of not even being elected mukhias.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—With a large force it is difficult for everybody to take part in the election. Therefore we would confine the actual voters to a compact constituency of 10,000. That would be one constituency and the method of election would be direct election—just as in any other constituency.

*The Chairman.*—Take for instance a garden like Gurdapara which would be typical. Then there is Dumdumma and Jorhat tea gardens. These are all typical tea gardens. They are the gardens where the Simon Commission were taken to see, and over which the Royal Commission on Labour spent several days. Then there are the big tea gardens in the Tezpur district on the other side of the Brahmaputra.—In your Jorhat and Dumdumma constituency you would get an overwhelming majority of Chota Nagpur labour, while in the north you could easily have a constituency where all sorts of labour would be running neck and neck. And in the Surma Valley, United Provinces labour and Madras telugu labour would have a fair chance, as well as Santhali. The employment of Santhalis has gone down a lot.

*Q.*—There is a very big group of them.—Oh yes, but would they be included in this?

*Q.*—Yes, if they were working on a tea garden. You could probably get 3 or 4 thousand Santhalis. But anyway what we want is a constituency of that sort which would be typical—small but sufficient to give a fairly large candidature and manageable electorate, that would be typical of the other tea gardens throughout the whole province. And we would have direct voting and that from the first by government officers. Of course they would have to enlist the help of the gardens for the electoral roll but the whole election would be unconnected with the management.—(*Mr. Antrobus*) That would be very unpopular. The district where it is going to take place would be very upset.

*Q.*—I am afraid that is what it will have to be.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—How, will it be unpopular with the labour force?—(*Mr. Antrobus*) No, but it would be generally upsetting to the management. (*Mr. Milligan*) But if the constituency is going to remain the same always, you are going to get a concentration of political education and political interference in one particular locality, which is going to put a very severe handicap on one group of planters.

*The Chairman.*—The only answer to that, if it proved to be a serious evil, is you would have to alter it later on. My own view is that the man elected for Jorhat would probably, as in the case of Mr. Saikhia who represents labour in Assam—I rather think he receives as I know complaints from all over the tea garden area—people come to see him. They put cases before him, then he will ask a question in Council—he made a speech in the Assam Council about these constituencies. My idea is that even so you cannot afford to restrict the candidature of these gardens. That would be absurd. You must have a wide candidature spread over the province. Do you think you get good candidates by restricting the candidature to those castes and tribes from which labour in the gardens is recruited?

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Do you know any people in these castes and tribes who may be described as educated people, who will be able to express the grievances of the labouring classes and who can make their influence felt in the Legislature?—(*Mr. Milligan*) There is no doubt that such people exist, in those castes and tribes. Their number is growing with the spread of education. There are only 5 candidates wanted at the present moment. I do not think there will be any difficulty in getting 5 suitable people.

*Q.*—Can you mention to me any persons of that type?—There would be no difficulty in doing that.

*Q.*—What is the general nature of the pursuit of these people?—You will find them among the professional men, and also you might get a man from the Railway and places of that kind.

*Q.*—Do you think you can give some figures as to these men—the castes and the sort of place people you can get?—Not off-hand. They might be collected.

*The Chairman.*—My impression is that there is a fairly large number of aboriginal B. A's. in Assam. There are also tribal B. A's.

*The Hon'ble Mr. Justice Din Muhammad.*—You say that descendants of ex-labourers are being gradually educated and they will prove suitable candidates for these tea garden seats. You further suggest that some clerks and jamadars may be made eligible for candidature and that they will represent the interests of the tea garden coolies in a more suitable manner than any other outsider.—(*Mr. Milligan*) So long as they belong to the same tribes or castes. That is the idea. The great idea that we have is that when you are dealing with primitive people, entirely uneducated, as the labour force are, to begin with more than the rudiments of political education is going to be very dangerous, and if these seats are too a battle ground for different political parties, it will certainly cause a very grave dislocation of the industry, and we view it with the utmost misgivings.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Don't you think the real difficulty is in labour having been given representation? No that labour has given representation, do you think that in the interests of labour you will agree with me that we cannot emphasise too much the interests of the employer?—I was not intending to allude to the interests of the employer entirely. I was alluding to the interests of the industry of which labour is such an important part. If the industry is disturbed, then labour suffers just as much as the employer.

*Q.*—The object is to return a candidate who would represent labour effectively. How can you find such a candidate unless you have got a field much wider than what you suggest? You say “descendants of original labourers”.—That is begging the question. We have not yet come to any statement as to how many such people would be available, or exactly what the names or the character of such people is. We know that there are suitable people.

*Q.*—You say, “provided they are descendants of original labourers”. What is your idea? Where are they to be found, what are their present occupations, and how are we to find out that they are descendants of original labourers?

*The Chairman.*—They mention it to a certain extent in their letter. They say, “There are on most gardens a class rapidly increasing and becoming better educated of descendants of those who were originally genuine labourers, etc.”

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Who are jemadars? You say, “Jemadars and sirdars of the labouring castes, etc.” These are all terms which differ from province to province and with which we are not very familiar. What are these to whom you have referred?—(*Mr. Antrobus*) Supervisors of labourers—headmen of gangs.

*Q.*—Employed by the planter?—They usually go by the fact that they are of the same caste as the people under them—(*Mr. Milligan*) The thing differs. In the Doars system, the Sirdar has his own basti or patti and there is the nijpatti which is labour recruited direct by the garden but not through the Sirdars. The Sirdars recruit for their own pattis. The Sirdar is the head of a group of labourers and he gets a commission on their earnings for the work they do. The Jemadar is the man who is actually in charge of the working group. That is the difference.

*The Chairman.*—Hazira Muharris—they are the clerks who keep the list of the people who work in the gardens, time-keepers.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—The Jemadar Muharris?—That is the clerk who will be working in the field and watching over 30 or 40 workers and is responsible for keeping their accounts.

*Q.*—Generally speaking, they are all men engaged in supervising the labour force?—(*Mr. Antrobus*) Probably having risen themselves from being labourers.

*The Chairman.*—Labouring classes who work their way up, just like the non-commissioned officer in the Army.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Some of these are engaged in recruiting?—(*Mr. Milligan*) This Sirdar does not mean the Sirdar in the sense of the Emigrant Labour Act. A Sirdar in this sense is the head of a basti or patti and he sends his emissaries down to keep his own labour force up to strength.

*The Chairman.*—You would not suggest that we should have as candidate a man who does the actual recruiting?—He does no recruiting. He sends recruiters to do the recruiting. He is only the head recruiter. He is the head of his own show who wants to keep his party up to the strength. That is all. He is not a direct recruiter. He is a headman. The manager of a garden will call the Sirdars together and discuss with them what is to be done for the morrow. He will say, “I want so many men from you, and I want so many from you. In the morning, the Sirdars produce the men. That is the basis of the Doar system. In Assam, the system was built up under an Emigration Act, based on

*The Hon'ble Mr. Justice Venkatasubba Rao.*—I do not understand. These labour people are controlled by Sirdars?—The manager does not deal with his labour through the Sirdar as he does under the old Dooars system. He appoints Sirdars who will be in general charge of a cooly line. They live in the line.

*The Chairman.*—Your letter appears to me to indicate that you wish to confine the candidature to the gardens. I think you must go outside the gardens to give a wide enough field, but it might be possible to confine it to the castes or tribes from which labour is recruited, if we are assured that there are educated people who will come forward to represent labour in the Legislative Assembly.—I think that the industry is entirely in agreement that if they want a suitable type of candidate, he must be a man of education, who would carry sufficient weight. He should not be merely a man of straw. There would appear to be two essential qualifications, (1) that he belongs to the same group of people as he is going to represent....

Q.—Yes.—Well, there is grave objection to that.

Q.—I would put the case like this. I take a hypothetical case. Supposing a man, who belongs to the tribe or caste, happens to be a lawyer or doctor or a school master. Would you have any objection to any one of these three offering himself as a candidate?—Personally I should like to secure that he would be in a position to know something about the people he was representing, that he would be a resident somewhere in the neighbourhood. . . . .

Q.—According to my suggestion, he is not in the least in contact with a tea garden. The only contact is the sameness of the stock—belonging to the same tribe.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Let us take the aboriginal people in Assam. You would have no objection to anybody from the aboriginal people

standing as a candidate?—In Assam itself? Standing as a candidate for tea garden labourer?—Well, that is not a general proposition which I would accept, because some of them are quite unsuited to know anything about tea garden.

*Q.*—Take for argument's sake somebody belonging to these tribes, who is practising as an advocate all his life the profession of law. Do you think there is some point of contact between him and the man actually in a plantation and that he would be able to represent him?—I cannot concede, Sir, a proposition stated in those terms. You have not mentioned where he is practising.

*Q.*—In Assam.—There are very few places in Assam where tea does not bulk largely in the business of a lawyer.

*Q.*—If he is practising in Shillong?—You have picked out the place about which there might be some difficulty.

*Q.*—I practise in Madras and I know very little of what is going on in the Buckingham Mills, just about 3 miles from my door. It is not correct to say that a lawyer who practises in a certain neighbourhood knows everything about things which take place in that neighbourhood.—You are arguing from the particular to the general.

*Q.*—We have to.—One mill is a very different thing from the one big industry of a province. The tea gardens are spread over every district of the province. A man working in any one of the tea producing districts will probably have tea shares to start with, and he cannot fail to know a good deal of what is going on.

*Q.*—Supposing a doctor or lawyer comes forward. Are you going to examine his credentials to see how much he knows about conditions prevailing in a tea garden before deciding whether he is suitable or not?—I recognise, Sir, that no definition on the lines you suggest would be possible. You cannot examine the credentials of every individual; you must have some general qualification.

*Q.*—I do not want to force any answer from you. It is our job to define with as much accuracy as possible the detailed recommendation we are going to make. So, what I am trying to get from your expert knowledge is what sort of person would you propose for a candidate. I put it like this. Supposing he is a candidate from anywhere in Assam, belonging to one of these tribes known as the aboriginal tribes, whatever his qualifications may be. Would you accept him?—The principle which we are contending for is that the candidate should be directly connected by race with the people he is representing. The aborigines of Assam are not so connected.

*Q.*—Would you exclude aborigines?—I think so. I do not think they would have the slightest claim to represent.

*Q.*—When we went to Assam, we were struck with many aborigines, who were intelligent people—the Khasis and the Garos.—It is one thing that one would not have objection to particular individuals, but to admit a general principle that any Khasi, any Garo, any Naga will be eligible is a different thing.

*Q.*—They work on the garden?—Nagas come down to do cane cutting but do not work on the garden. Nor do they ever work for six months at a time.

*Q.*—They do some kind of work. Our object is to select people who are further from the influence of the employer.—It was not my intention to suggest that the qualifications should be so read as to mean that a man was in any way under the domination or thumb of the industry.

*Q.*—You do not say it, but that is the only inference one can make.

*The Chairman.*—I do not think that bringing in the remote tribes will help us. I am thinking of intelligent, educated men, of B.As. and so forth both in the Surma Valley and Assam Valley, who are not working on the gardens but they belong to

these tribes—the Oraons for instance contain really educated men. Even if they are not in any way connected with the garden, will you accept this class of men as candidates?—I should think so, undoubtedly. I may go further personally and suggest that this expression “descendants of those who are original genuine labourers” may be expunged. So long as they belong to the group of races or tribes, it does not matter whether their ancestors were tea garden labourers or not.

*The Hon'ble Mr. Justice Din Muhammad.*—Residing in any part of the province?—Yes.

*The Chairman.*—I think that might meet the case.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Why should you object to an outsider? There are certain areas in which these people predominate. Take Orissa or Chota Nagpur or Bengal, where these people come from. What objection would you have to a candidate coming from these provinces?—These are the provinces from which labour has been derived. We are quite prepared to admit that there may be in those places quite a number of suitable candidates. But at the same time, there is another class, that is fairly numerous in those places, and that is, people who have been sent away from Assam—repatriated—because of the troubles they caused in Assam, and they are the very type of people who would come forward to seek candidature.

*Q.*—You and I do not agree. Supposing the man was sent away because he was found obnoxious to the employer. He belongs to the same class or tribe, whose interests represent labour interests. You do not want to exclude him?—I do not admit the qualification that you have stated that the reason he was sent home was because he was obnoxious to the employer. I refer to people who have been sent home, who deliberately stirred up trouble. I refer to two large movements as illustrations, an exodus of Madras coolies, and an exodus of Bombay coolies. In both of these cases, the mischief was traced to a man of the political agitator's type, who had come up with the labour and who for reasons of his own had fomented this trouble.

*The Chairman.*—He would be eligible if he were living in Assam.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—I do not see how his eligibility becomes the less if he is an outside worker. You refer to this kind of trouble. I have been at some pains to study this point. I have read the Whitley Commission Report and other reports and I do not think that the whole trouble was stirred. . . . .—I said, in a number of cases, it was directly traced to this agitator. I never said the whole trouble was. . . . .

*The Chairman.*—The trouble was very largely due to economic conditions.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—The Whitley Commission say that even today the labour force is kept more or less in conditions of servility, and that this is deliberately done by the planter. I do not say anything against you. But these reports are there. Everybody has commented upon it. The reports published by Government contain grave charges against the planter. I do not say, you or I or anybody. By all means, refer to the political agitator. But I do not agree to that at all. I take strong exception to it because it is not a fact. If that is so, our whole object being that labour should be properly represented, we must devise some scheme where you do not put too much restriction on candidates. We are entrusted with this job. It is our purpose to see that the man who represents labour is not a nominee of the employer. That being so, what objection can you have to people coming in, who belong to the tribe? I accept your recommendation as to belonging to the same class.—I take exception. There is grave danger of a certain type of candidate coming from the home districts.

*The Chairman.*—I think you run the same risk in Assam. Men who leave the garden dissatisfied, settle down, and may want to stand as a candidate. It is a risk you have got to run.



*The Hon'ble Mr. Justice Venkatasubba Rao.*—We take risks in the whole of democracy. In every system you take risks.

*The Chairman.*—Another question is, how a man who was resident in Ranchi, would keep in touch with the constituency. He is supposed to be resident throughout the year and people can go to him. I believe you would put no obstacles in the way of his starting trade unions. Would you?—The industry would put no obstacles in the way of candidates of the type that we are discussing, we maintain that our interest in the welfare of labour is second to that of nobody and that if the man is there in the interests of labour, he will get nothing but co-operation from the garden staff.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—It is a very pious statement, but it is difficult to define or to be put into terms of concrete proposals. You and I agreed on the proposition. The question is how to devise a system by which that interest is transferred into a workable proposition. That is the whole difficulty.—Another question. I take it that there are men who own patches of land who at one time worked on the tea garden?—(*Mr. Milligan*) A very large number.

*Q.*—Have you any objection to candidates coming from that class of people?—I should say none whatever. These are the descendants of original labourers, and if they become educated and join the professions and so on, they are exactly the type of people we consider suitable candidates, ethnologically akin to the labour.

*Q.*—That class is generally called “munkush” labour. Have you heard that term?—It sounds like a Surma Valley term.

*The Chairman.*—And you understand that such a candidate might be a dismissed Sirdar, say a Sonthal, who has been turned out because he has given what they call trouble on the garden. That man would be entitled to stand as a candidate.—That risk is minimised if the residential qualification is confined to Assam.

*Q.*—But they might be living in Assam just the same.—There are not so many living in Assam as back in their own country.

*Q.*—One of the objections put forward, I think by the Tea industry to the Benegal definition was that it might bring in that class of person.—(*Mr. Antrobus.*) It is a risk which we regard with grave misgiving.

*Q.*—You have to accept it. There is no possible limitation we can put on to stop it.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—I want to say one thing in general terms. I should like to exclude everybody connected with the recruiting and supervising staff. That is a recommendation made by the Lothian Committee. They pointed out that people called ‘jobbers’ and anybody standing to a workman in that relation ought to be excluded from the list of candidates. It means any agent of the employer, any one over whom the employer has a good deal of control. Such a person is not a proper representative of labour.—(*Mr. Milligan*) That is a matter in which if we held a contrary opinion it would not be much use expressing it.

*Q.*—We want to get your opinion. After all this must pass the Parliament, where people interested in labour are going to examine it.—Generally, Sir, we strongly deprecate the suggestion that those who are in the service of the employer are necessarily under his thumb to the extent of considering his interests rather than those of the labour. That of course is the natural suspicion.

*The Chairman.*—The evidence given to us in most provinces is that that class would be unsatisfactory candidates because they are under the influence of the employer and would be more likely to take the view of the employer than of the labourer.

MILLIGAN, M.L.A.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—May I ask whether wages are not paid on some garden through recruiting Sirdars?—That is very uncommon. There are very few gardens, if any, in which the wages are not paid direct either by the Manager or one of his senior Assistants. And elaborate accounts are kept by moharrirs—there is an office for the purpose.

*Q.*—The point is that these Moharrirs act under the instructions of the employer and watch over the labour force. They are the people the Lothian Committee excluded.—May I suggest that the influence of a man in his position extends merely to the garden on which he is working, and it might be possible to have a rule that in the case of such a candidate his garden should not form part of the constituency.

*The Chairman.*—That would be rather difficult to work. Unfortunately one of our difficulties is that the Lothian Committee never went near a tea garden and there was a confusion of terms.—If I might venture to make a suggestion it is that the less you use these technical terms the better, because they have different meanings in different districts. And often miscellaneous duties are given to a man with a designation which does not in the least give you any clue to what he is really doing.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Any one who is an agent of the employer either of the supervising or recruiting staff.

*The Chairman.*—Yes, we cannot have definitions of all these various jobs. If you confine it to the tribes and castes from which you recruit the average labour force, the number of men you get on the gardens in the position of an agent of the employer would be very few? I mean those who represent the employer to the labour force are generally Bengalis or Assamese—they are generally outsiders?—(*Mr. Graham*) Yes, in the Dooars they are outsiders.

*Q.*—And the other people are promoted labourers, who are to all intents and purposes part of the labour force. But I do not know how we could work out a definition. We want to exclude an agent of the employer, a clerk for instance, who, if he does anything the employer does not like, can be turned out any day.—(*Mr. Antrobus*) When we were asked if there were people on the gardens who were able to represent the labour because of their education, we did have in mind this staff which you now propose to exclude. And if you exclude the supervisory staff, my answer is that there are not so many available.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—That is our difficulty, and therefore our endeavour has been to widen the field of candidature, so that, while the employer's agents are excluded, other educated and intelligent men can come forward. Another question: suppose the candidate belongs to the tribe or caste, with the limitation that he is resident in Assam, how will he be able to canvas—meet and talk to these people and expound his programme—all that is involved in the word "canvas"? Will they be allowed in the gardens or will the labour have to go outside to listen to them?—(*Mr. Graham*) There is no restriction on labourers leaving the garden.

*Q.*—The Whitley Commission say there is such a restriction. They say, "workers for the most part live in lines to which the public have no means of access", and they go on to say the labourer cannot leave the lines, and a labourer going out without permission is described as an "absconder".—(*Mr. Antrobus*)—That is if he goes to seek employment outside, not merely when he goes out of the lines.

*Q.*—It is very difficult to make a distinction like that. The whole point is that a vigilant watch is kept by the employer on the movements of the workman. I am not quarrelling with your system. Take it for granted. What is the method you advise for the candidate to get into touch with the labourer?—There would be no let or hindrance for the labourer to get his day's leave.

*The Chairman.*—Will you allow the candidates free access to the lines, however the candidate may be, provided he satisfies those requirements of caste and residence?

*The Hon'ble Mr. Justice Venkatasubba Rao.*—A candidate who belongs to the tribe may be a firebrand. He may be just the political agitator whom you want to avoid. Would you allow him access to the tea garden?—(*Mr. Antrobus*) No.

*Q.*—The position is that if we adopt and limit the candidature in the way you suggest, can we say in our report that in this matter of permitting candidates to enter the lines the Indian Tea Association agree to co-operate?—(*Mr. Graham*) We will allow properly accredited candidates who fulfil the conditions on to the gardens.

*Q.*—The requirements are, caste and tribe, and province. Those are the two requirements. And the usual ones about being over 25 years of age and a British subject.—(*Mr. Milligan*) Are we talking of Assam now or both Assam and Bengal?

*The Chairman.*—Take Assam.—In Assam residence in the province means a very different thing from Bengal, where there is only one tea area away in the north.

*Q.*—Take Assam. The candidate belongs to one of the appropriate castes and has a residence in the province, though he may have nothing to do with the tea gardens, would he be given every facility for canvassing the constituency?—That is the whole point.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—If you say 'yes' there may be some reason for accepting your recommendation. If you say 'no', we must be at liberty to accept candidates from any place.—But unfortunately you put such an extreme case before us that it is very difficult. You say, 'here is a proved and known firebrand'. Suppose we say that we are prepared to co-operate with you right up to that point, but not in such an extreme case where a man is a known and admitted firebrand.

*Q.*—How would you ask us to word the rule—a man having such and such qualification but who is not a firebrand?—Would you give me a definition of firebrand?

*The Chairman.*—You have to run that risk in the same way as you have to run the risk in a peaceful constituency of a communist labour agitator coming along. Is that not a lesser risk than there would be in our saying we will allow any body belonging to any constituency in the province to stand as a candidate, whether he is a Bengali or Assamese or anything else?—There is no question of the answer to that. In the case of Assam I personally consider that the risk of such a thing happening is not great.

*Q.*—Then take that into consideration and tell us, "we do not mind". That would be a straight answer to a straight question.—My position in this discussion is not that of one who is able to speak to bind the industry but I give it as my opinion that that is a condition which the industry could safely accept.

*Q.*—If the candidature is confined as described, first with regard to his nationality and second as regards his residence within the province of Assam, then the Tea industry would be prepared to agree to admit the candidate to the tea gardens for electoral purposes?

*The Hon'ble Mr. Justice Venkatasubba Rao.*—And would you also be prepared to allow the workman to go outside the gardens to attend meetings?—Yes, yes. No attempt would be made to prevent any such meeting as that.

*The Chairman.*—Now what is the difference exactly in regard to the Dooars?—(*Mr. Milligan*) It ought to be part of Assam to which it is contiguous. It was a mistake ever adding it to Bengal.

Q.—But what is the difficulty here? In Bengal outside Jalpaiguri for instance, there is nowhere where these tribes go.—(*Mr. Milligan.*) A man belonging to these tribes may be a professional man resident in Calcutta, and that is the type of man who would stand and he may never have seen a tea garden.

Q.—Have you ever met such a case of a man in Calcutta?—I have not personally. There would certainly be some Sonthals in the town of Midnapore, and also further south you would get people from the States in Orissa.

Q.—Do you recruit such labour from Bengal?—No, they are recruited in Sambalpur, Orissa and Angul.

Q.—I do not think the question would arise in Bengal, but there again it is a risk you would have to run. If you say 'we want to confine the candidature simply to the labourer on the gardens'. Our reply to that is that that is impossible. We could not recommend such a restriction. We are prepared to consider a restriction that candidates should belong to those tribes because we realize that that is rather a safeguard. They talk their language and know their habits and so on. The only other alternative would be to say, leave it, and let anybody whose name is on the roll of any general constituency stand. You would not like that because it would invite the political adventurer. Now, take the case of Darjeeling. There you have these Paharias and Gurkhalis and I imagine a fairly large number of people from Nepal. They are a fairly intelligent crowd, many of them retired army Jamadars and Police officers.—(*Mr. Graham*) We would have no difficulty in getting suitable candidates there.

Q.—How would you define them?—As Nepalese, who must be British subjects.

Q.—You would confine candidature to men of the Nepalese race resident in the Darjeeling area who are British subjects.—Yes.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Suppose we put it in the same way for Bengal as for Assam—people belonging to the same tribe and caste and having some residence in Bengal?—There is no reason why we should restrict it to any particular district.

*The Chairman.*—Only on the ground of common sense, because there are none outside the tea districts. So if you did do that it would make no difference.—(*Mr. Milligan*) There are probably a larger number of Nepalese British subjects in the Dooars than in Darjeeling. Why should they be excluded?

Q.—They could come and stand?—If you confine it to the residents of Darjeeling District you would exclude the whole of them.

Q.—Put in the whole province?—I think there is less danger in the case of the Nepalese than in the case of any other caste.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—In view of what is the considered opinion of the Indian Tea Association, I want to ask a formal question.

How would you like this idea? Supposing, in addition to the candidates whom you have indicated now in the discussion, we widen it a little further by saying that a candidate may be an officer of a recognised trade union in Assam, Orissa, Bihar, Chota Nagpur and Bengal. We are going to prescribe some standards of what may be termed a recognised trade union. If a trade union conforms to that standard it would be recognised for our purpose. Officers connected with the trade union may also offer themselves for candidature in those provinces only.—Will such officers be required to belong to the tribes?

Q.—This additional qualification would become superfluous. I take a case where these officers do not belong to those tribes, and I want to ask you if you

would have any serious objection to their standing as candidates. I am limiting the area, limiting the field, that they must be connected with a recognised trade union.—Not knowing exactly what the qualifications are.....

Q.—I will tell you what the qualifications are. The trade union must have been in existence for at least one year. If you like make it 2 years. The strength of the trade union must be at least 500, really *bona fide* 500 people who have paid their subscriptions throughout the year and the third restriction is that under the Trade Union Act, we are going to tighten up the provision that there should be a proper audit in the manner prescribed by the Government. If these conditions are fulfilled or satisfied for our purposes, that would be a recognised trade union, in the sense that it may, if we so prescribe, form a labour constituency. My question is that supposing officers connected with such a trade union offer themselves for candidature, but they do not possess the tribal qualification which you mentioned, that they belong to the same caste or tribe, would you really have serious objection to such candidates being also included among the candidates for these plantation labour seats?—Undoubtedly, Sir, if we agree to have an extension we would far sooner extend the residential clause, and say we are prepared to have men of the caste and tribes coming from other provinces. Now you are suggesting people of an entirely different caste, tribe and outlook on life coming from other provinces.

Q.—I will modify my question. I want to see how far you and I can agree. Take the province of Bengal for the moment. Supposing we say men belonging to such trade unions as I have described, and those trade unions being Bengal trade unions, would you agree so far as Bengal is concerned? I do not want to extend the field and say add on Orissa, Bihar.—May I indicate a line on which I would criticise that? There is no guarantee that the trade union with which this gentleman is connected consists of people of the same class as tea garden labourers. He is bringing an entirely different outlook.

Q.—That is the very foundation of the question which I am putting to you. On that basis I am putting the question. They do not belong to the same class or tribe.—Nor do the people who are running the union belong to the same class. He has no knowledge whatever of the type of people he is going to represent. Our whole point was to get candidates who at least had a chance of knowing something about the people they were representing.

Q.—In the case of a colliery trade union, would you be agreeable to the proposal?—From our point of view if we are to agree to any extension at all it would be an extension of the territorial qualification, but not any alteration of the tribal qualification.

*The Chairman.*—In other words, you are quite prepared to encourage the formation of trade unions in gardens by these people who belong to the class that we have been talking about and are of the same race and tribe as that from which the labour force is derived. I think I have seen it in your letter. You would encourage trade unions of that kind?—Yes.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Your last answer indicated that you would have no serious objection provided caste restriction is observed so far as candidates coming from a different province are concerned?—I was emphasising merely the strength of objection to the general proposition. There was not even a guarantee that the labourers composing the trade union were of the same caste.

Q.—Talking generally, most labour leaders are not labourers. Those people by their interest in the movement, by the study of the problem relating to the movement, make themselves acquainted with the problem and with the grievances and voice them in the Legislature. I would rather think of Mr. Joshi himself. He is I think very little of a labourer, but I think he understands labour problems and probably represents labour effectively.—He has made a life study of them I have no doubt. If Mr. Joshi conformed to the qualifications, we would certainly not go back on them because of that kind of extreme case.

Central Provinces.

62 Evidence of—

Rao Sahib R. W. Fulay, M.A., LL.B., M.L.C., Member,  
Provincial Delimitation Advisory Committee.

Mr. Motiram Bansi Mahar

Mr. Nathu Upasia Fuljhale

Mr. Jeolang Moti Ram

} of the Empress Mills, Nagpur.

Nagpur, dated the 4th December 1935.

*The Chairman.*—Rao Sahib Fulay, I take it that you are representing the trade union point of view?—(*Rao Sahib Fulay*) Yes, Sir.

*Q.*—You have put in a written memorandum?—That memorandum has been put in by all the trade unions in this province that are affiliated to the National Trades Union Federation. It is No. 1 in the abstract of representations.

*Q.*—You suggest—mine labour Nagpur district 250 votes, factory workers at Nagpur, Wardha district, Akola and Amraoti districts 18,451—that is a very big constituency?—These constituencies are proposed by the local Government. I have proposed towards the end of paragraph 8 of the memorandum.

*Q.*—You say constituency No. 1 for registered trade unions of textile workers, railway workers... But do not the railway workers here belong to the Bombay Railway Workers' Trade Union?—Yes, they do, but the railway workers here represent that they should also have a right to take part in the provincial election.

*Q.*—They cannot have it both ways. Do they want to be in Central Provinces or in Bombay?—They say that they should also be able to take part in the election to the seat in the Federal Legislature as well as in the election to the local legislature.

*Q.*—There is a big trade union of railway workers in Bombay and if they are members of that union, surely they could vote there?—They could certainly vote there, but I put before the Committee what their view is.

*Q.*—How many textile workers would you have in a reasonable area for your trade union constituency in this province?—Here at present we have got about 5,000 workers organized in textile unions throughout the province.

*Q.*—But you could not very well have the whole province as your constituency?—If the election is through trade unions then we can have it, otherwise by the system of delegates, which scheme I have advocated in my memorandum.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—But supposing you have a direct election, what is the constituency you would suggest?—In that case I think the constituency should be primarily at a place which has the largest textile population, and that would be Nagpur.

*The Chairman.*—If you have one seat for Nagpur, how many electors would there be?—There are 8,000 workers in the mills here.

*Q.*—But how many of them belong to trade unions?—About 3,000.

*The Hon'ble Mr. Justice Din Muhammad.*—We find that the Nagpur Textile Union had on its rolls 2,000 members?—There are two other textile unions—one is the Central Provinces and Berar Textile Union, the membership of which is about 500 and there is Girni Kamgar Union started recently.

*Q.*—What does 'Girni' mean?—It means a textile mill in Marathi.

*Q.*—So Girni Kamgar workers mean textile workers?—Yes.

*Q.*—The other kind of labour is not represented in these trade unions?—No.

*Q.*—How can you claim then both seats for trade unions because in that case you would be leaving most of the labour unrepresented?—Certainly there would be

unions coming into existence if trade unions are the basis. For example, if you lay down a condition that unless there is a union they won't have representation, certainly people would not be slow in forming unions.

*The Chairman.*—Your idea is that we should build a house and leave it empty with the hope that some day it might be used?—By confining the seats to trade unions, it would encourage trade union activities.

*Q.*—Our idea is that it is probably better for the seat in the Legislative Assembly of the future to follow on the approved efficiency of a trade union that is doing good work and which ought to be recognized. It is better to recognise that it deserves a seat in the Legislative Council rather than hold out a seat in the legislature as an inducement to start a trade union. You see the difference?

*The Hon'ble Mr. Justice Din Muhammad.*—It may never come into existence.

*The Chairman.*—Or it may start on wrong lines.

*The Hon'ble Mr. Justice Din Muhammad.*—Yes.

*The Chairman.*—There is the other danger also that it may be very difficult for people to recognize the genuineness of a trade union. As we know, in this country it is very little recognized.

*The Hon'ble Mr. Justice Din Muhammad.*—Everybody knew that the Labour Commission had recommended that we should encourage trade unions, but still trade unions have not come into existence?—There are various causes for that trade depression deprives any trade union activities. The workers in this country naturally look to trade unions for an answer as to what the unions have done to improve their lot. I can say that after a year from the starting of a union, the workers naturally ask, "have our wages been increased, have our hours of work been reduced", and of course we cannot show them activities in terms of rupees, annas and pies. These people have yet to get themselves trained in the trade union movement as such.

*Q.*—That goes against you; it means that no trade union will come into existence so long as trade depression lasts?—That would be a temporary phase. In a year or two, or it may be 5 years, there is bound to be an improvement.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Will you combine textile unions with other industrial trade unions for the purpose of one constituency?—I would combine textile factories with all other perennial factories.

*Q.*—I am not asking about any special constituency. Supposing we take only trade unions into consideration, what are the various trade unions which you would combine for the purpose of forming them into one constituency?—As I have said, I would exclusively leave one trade union constituency for textile workers.

*Q.*—You would score out railway workers, would you not?—Yes.

*Q.*—But it would be all over the province?—Yes.

*Q.*—Supposing it is direct election in place of indirect election which you propose. It would be very difficult to have trade unions all over the province to be formed into one electorate. Would you propose some alternative scheme?—The alternative scheme would be that all textile and other perennial factory workers' unions in the Nagpur division should be given one seat.

*Q.*—That is to say you would combine textile and non-textile workers' unions?—Yes, in the Nagpur division, because it would include the textile mills at Hinganghat and Pulgaon where there are trade unions functioning.

*The Chairman.*—For the one seat you want for the Nagpur division, will you include the Press Employees' Association?—Yes.

*Q.*—The Scavengers' Union?—Yes.

*Q.*—Motor Drivers' Union?—Yes.

*Q.*—The Nagpur Tonga Drivers' Union?—No, Sir, because it is not industrial labour. I would include workers in *bidis* factories also.

Q.—Have they got a union ?—Yes, Sir, the Central Provinces and Berar Bidi-Mazdur Sangh, Kamptee.

Q.—You would have all those in ?—Yes.

Q.—It would be direct voting ?—Yes. But if there is to be election through electoral colleges I do not mind.

Q.—You think that direct voting is more satisfactory ?—Yes.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—As it is a compact constituency, direct voting is possible ?—Yes.

*The Hon'ble Mr. Justice Din Muhammad.*—How will you distinguish between motor drivers and tonga drivers ?—(*Rai Sahib Fulay*) The motor transport industry—at least in this province—is in the hands of a few capitalists and the drivers of these lorries and cars are almost the servants of these capitalists. Therefore we say that these motor drivers should be treated separate for the purposes of election.

Q.—Do you mean to say that there are no instances where the tonga driver himself is not the owner. Surely all these tonga drivers are not owners of their own conveyances ?—Most of them are.

Q.—In places like Lahore there are many tonga drivers who are not owners ?—I am speaking from the experience of this province. Generally the tonga drivers are owners as well.

Q.—What about motor drivers ?—It is not so in the case of motor drivers there are very few who are owners but most of them are servants of the owners.

*The Chairman.*—The total number of these will come to about 3,000 ?—Perhaps more than that.

Q.—You remember Rao Sahib that supposing one of these trade unions fails to observe the rules laid down under the Trade Union Act as regards the principle of submitting returns, auditing, and other things, it will then have to be disqualified ?—I agree.

Q.—We have heard in some cases that rules are not observed ?—The rules very practically with every union—for example the member's fee may vary from one anna to one rupee.

Q.—One of the conditions of the franchise will be that members of the trade unions pay their subscriptions ?—Yes, Sir, for a certain period that ought to be.

Q.—At present the suggestion of the local Government is that as there are three labour seats, one for the Federal Assembly and 2 for the Provincial Legislative Assembly, one of these should be given to trade union constituencies and the other two should be given to unorganised labour constituencies. As regards the latter what would you suggest, if it is unorganised labour—for instance, mines—more compact area with fair size constituencies ?—Then in practice it would mean that we will have to allot seats for unorganised labour in a particular area which has got the largest population, but that would be debarring the workers of other centres from exercising any right at all.

Q.—That is the same case in respect of trade union centres in Nagpur ?—I would respectfully submit, Sir, that if the Federal seat should be allotted to the trade unions, it should be for the whole of the Province—mines or any other industry.

Q.—If you take trade union centres all over the province it makes unwieldy sort of constituencies, especially for labour constituencies. We want to have a fairly closer contact between the men who represent them and the labourers. In some way we would prefer direct voting even with regard to unorganized labour. It should be a homogeneous constituency representing one class of people. It would mean that they represent the labour interests, not merely their trade or factory?—Yes, Sir. I agree.



*The Hon'ble Mr. Justice Din Muhammad.*—Are you interested in trade unions?—Yes, Sir.

*Q.*—How are you interested?—In almost everyone of these trade unions I am an office bearer.

*Q.*—Are all of them registered?—Yes, Sir. Two of these unions are audited by the Government auditing departments—the Municipal Employees' Association and Press Employees' Association. The other unions get their accounts audited privately.

*The Chairman.*—As regards Amraoti and Akola, that is fairly a big labour centre, I think?—Yes, Sir.

*Q.*—What sort of labour centres?—They have got textile factories and few bidi factories.

*Q.*—Amraoti has got two, and Akola four?—Yes, Sir.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—What does Girni Kamgar mean?—It is a Marathi term. It is the same thing as textile mill workers.

*The Chairman.*—What is there in Jubbulpore?—There is one textile mill and some cement factories.

*Q.*—Do any of you want to speak about the mines?—No Sir.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—What about these unregulated factories; what do you say about that?—I have said that even unregulated factories should be taken into consideration, for instance, shellac and *bidi* factories.

*Q.*—Can you please tell me the difference between the regulated and unregulated factories?—The Indian Factories Act does not in practice apply to those factories which do not use power and yet these factories employ more people and probably work for more hours and so on.

*Q.*—Are there factories of that kind which are bound to come under the Factories Act?—Not till they employ power. The local Government has not yet thought fit to apply the Factories Act to these factories. They can do so by means of a notification under the Factories Act.

*Q.*—Supposing a man has got a big factory where there is no power at all, that would not come under the Factories Act?—No, Sir. For instance there are *bidi* factories where they employ very large number of workers, but yet they will not come under the Factories Act, as these factories do not use power.

*Q.*—Supposing there is a handloom factory and a lot of people are employed there, then it does not come under the Factories Act? But it has got as many workers as there are in factories controlled under the Factories Act?—Yes, Sir.

*Q.*—Would it not be a good answer if the people in unregulated factories are told that if they want representation in legislatures they should join trade unions?—Quite, Sir.

*Q.*—That would be a good idea, I think. That will enable us to bring them in trade unions. You have no objection to that I suppose?—No objection, Sir.

*Q.*—Do you know anything about mining labour?—Nothing from my experience, Sir.

*The Hon'ble Mr. Justice Din Muhammad.*—But you say in your memorandum "... The clerical and supervising staff would be excluded when it is understood that the labour in mines is of a migratory character ...." ?—That is a sort of a general remark.

*Q.*—What is the extent of the mine labour?—The mine workers in all the districts come to 17,555.

*Q.*—In that case you should not have any objection to the mining workers having one seat?—But it is unorganized labour.

Q.—How far is Chanda from Chhindwara?—Something like 300 miles.

Q.—And how far is Chhindwara from Balaghat?—More than 100 miles.

Q.—And Bhandara?—From Chanda it is about 200 miles. Then, Sir, you must also remember that it will not help to take the distance of these two places into consideration. For instance in the case of Chanda the distance of Ballarshah from Chanda must also be taken into consideration.

Q.—How far is Jubbulpore from Nagpur?—170 miles, Sir. If I am permitted to suggest, Sir, mines being essentially a Central subject all legislation pertaining to it will be mostly in the Federal Assembly. I would have no objection if the mining labour is given a seat in the Federation and the two seats for the provincial assembly are allotted to the trade unions.

*The Chairman.*—Mining labour is not an exclusively federal subject. Some questions may arise with which the provincial Assembly may have to deal. I remember that in Bihar two Bills were piloted for the Jharia coal mines—one for the water-works and the other for housing. The local Government will have to do a good deal.

*The Hon'ble Mr. Justice Din Muhammad.*—Everybody will not have a chance to be represented in the Federal and Provincial Assemblies thereby.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—What is going on in our mind is that instead of forming constituencies as proposed, the seats should be divided between, Jubbulpore factory labour one seat, Chhindwara mine labour one seat and Nagpur trade unions one seat. Would you be satisfied with that? Do you think it will work well? The seats will be rotating always. Three seats will be filled and at each election each constituency will send a representative to Federal or Provincial Assembly in turn. But everybody will always exercise franchise. That will be the principle of rotation as applied to this particular case. Would you be satisfied?—Then you would be excluding unregulated labour.

*The Chairman.*—Of course, we are. My idea is not to see to how many people we give vote but to see that in a constituency that will be formed direct contact between the constituency and the member representing it is possible. Supposing we allot two seats to the constituencies proposed in the Government memorandum direct contact of the representative will not be possible. Moreover, a member representing mining labour under our proposal will not merely represent the particular place but the interests of all miners all over the province?—I have no objection to the proposal, Sir.

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**Messrs. Nathu Upashia Fuljhale, Motiram Bansi Mahar and Jeolang Motiram assisted by Mr. S. S. Parkhie, City Magistrate, as interpreter, gave evidence.**

*(Answers were given in Marathi.)*

*The Chairman.*—Is there anything which you want to say in particular?—(*Mr. Fuljhale*) There should be no separate seat for trade unions. Trade unions should not have the right to elect a candidate. The seats should be allotted to the unorganized labour only.

Q.—Under the present proposals there are already two seats for unorganized labour and one seat for union labour?—What I want to urge is, Sir, that the union people should have no right. There are very few people in unions and the bulk outside. If the representation can be secured through the medium of unions only, instead of an actual worker being sent to the Assembly, people other than the workers will get elected. My point is, Sir, that none but actual workers should be allowed to contest for these seats.

Q.—Take his case. If he goes to the Assembly he will not be able to understand anything and the Assembly will not understand him?—Even if a worker who is elected to the Assembly is not educated enough to be able to understand the business to be transacted he can take help of others and do his work, but people other than workers should not be allowed to represent the workers.

*Q.*—Who will be those others whose help you will take ?—Other members of the Council.

*Q.*—Would it not be better if the workers have a representative who can speak and understand the business of the Assembly ?—But now there are many workers who are educated, *i.e.*, they can read and write the vernacular. They will always represent their case better.

*The Hon'ble Mr. Justice Din Muhammad.*—Is it permissible to speak in vernacular in this Council ?—(*Rao Sahib Fulay*) Of course, it is to be allowed by the President. (*Mr. Fulhale*) Moreover, Sir, if the unions are given the right to elect a representative he cannot be a representative of the labourers of the province because there are many workers outside the union.

*The Chairman.*—What about including the jobbers, mistris, foremen and persons holding similar positions ?—They should be excluded.

*Q.*—But Government thinks that they should be included as their exclusion would unduly restrict the field of suitable candidates ?—The reason for their exclusion from our point of view is, Sir, that as they are our officers in the event of a contest between a worker and a person in the position of these officers, these people will be able to influence the elections.

*The Hon'ble Mr. Justice Din Muhammad.*—Which labour does he represent ?—(*The Interpreter*). Textile workers.

*The Chairman.*—What is your idea about the inclusion or exclusion of these people ?—(*Rao Sahib Fulay*) I have said, Sir, that they ought to be excluded and for this reason : a jobber or a mistri will be able to influence the elections very materially.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—What is a jobber ?—He is a sort of supervising officer over 30 or 40 workers. He is responsible for the conduct of work in his department ; he controls the recruitment ; and, in short, he is practically a master so far as his assistants are concerned.

*Q.*—Does he work himself ?—No ; he does not work.

*The Chairman.*—Does he get that position by promotion from the ranks ?—Yes.

*The Hon'ble Mr. Justice Din Muhammad.*—Does he get wages like other people ?—Yes.

*Q.*—What wages does he get ?—From Rs. 60—100 in Nagpur.

*Q.*—Why do you distrust him ?—For this reason that even though there is no election it has been found in practice that the system has led to such evils that bribery and favouritism is rampant in every department. The muster rolls are in the possession of these jobbers, and if a worker is not on good terms with him he can easily get him out of the service. If these people are included for the purposes of election, and one of them stands for it, then they will be able to threaten the workers that if one of them is not elected the workers will lose their jobs.

*The Hon'ble Mr. Justice Din Muhammad.*—So from a labourer's point of view a jobber is as bad as an employer ?—He is worse than an employer. As you already know, Sir, the Labour Commission wanted this system to be abolished.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—You have mentioned “ mistris ” ?—(*Rao Sahib Fulay*) Mistris only in places where there are Public Works Department contractors. They have got a person who allots work and gets work done from them and supervises the completion of work.

*Q.*—Mistri means a superior kind of person. This mistri means something different from what I mean ?—You might either call him a jobber or foreman.

*Q.*—And what about the sardars ?—Sardars are employed in the mines. Their main business is to recruit labourers.

*Q.*—Trade union official for a special labour constituency or what ?—I certainly would request you to give that facility. In actual practice he would probably be a trade union man who would be chosen from that place.

*The Chairman.*—You think a trade union man from Nagpur?—He might be allowed to stand from any one constituency.

*Q.*—I think that might be possible. How many trade unions are there in Jubbulpore?—There is only one started in the Gun Carriage Factory. Mr. Jwalaprasad is probably the Secretary. It has been very recently registered, probably a month or two ago, but there is no union as such of long standing in Jubbulpore.

*Q.*—How are their wages arranged?—They work like any other clerks.

*Q.*—Do these gentlemen wish to say anything more?—[*Mr. Moti (Marathi)*]. We do not want a trade union man. [*Mr. Upasia (Marathi)*]. A trade union man asks us for work when there is any Congress work and we suffer. We do not want trade union men. (*Rao Sahib Fulay*) Thank you very much, Sir.

### ASSAM.

63. Representation, dated the 26th August 1935, from Srijut Harendra Nath Barooah and two others, on behalf of the Assam Labour Association, Gauhati.

We the undersigned beg to submit before the Delimitation Committee of Constituencies for the Reformed Councils, our opinions on behalf of the Assam Labour Association about the proposals made by the Government of Assam regarding representation of Labour and formation of constituencies for Labour seats in Assam.

1. There are 637,000 labourers working under tea plantations and 98,702 wage-earners working in industrial concerns, *e.g.*, Coal and Oil Mines, Railway and Steamer Stations, Rice and Oil Mills and other factories. We regretfully beg to say that all the wage-earners working in industrial concerns have been excluded from exercising their franchise.

2. We beg to submit that the Tea Companies of Assam recruit their labourers from the provinces of Behar and Orissa, Madras, Central Provinces, and Bombay, etc., on a contract system. Huts or barracks are made for labourers inside the gardens with a view to keep the labourers under strict control of the employers and almost all the gardens are generally inaccessible to the public. In many gardens it is to be seen that they are not allowed to go to public fairs. Employers prefer to hold the fairs inside the garden for the obvious reason that they may not be able to mix with any other persons.

3. Besides the labourers who live inside the gardens, there are innumerable labourers, commonly known as *ex-tea* garden coolies, who reside outside the tea gardens on their own or rented lands and work in the gardens on daily wages. The number of these labourers are not negligible. We are sorry to say that this vast number of these *ex-tea* garden coolies have been deprived of exercising their franchise. We consider them to be the best qualified to exercise their franchise in their own interests, for they are free from influence of the employers and as such their choice of representatives is less liable to be tainted than that of the labourers who live inside the gardens. We are therefore strongly of opinion that these *ex-tea* garden coolies have been unjustly excluded and no time should be lost in enfranchising them.

4. That the method of election proposed by the Government is also objectionable. Firstly on the ground of limiting the constituencies to a very small area, as this will exclude 95 per cent. of the labourers if not more. This process will result in giving the right of voting to 3 per cent. of the total labourers or even less. Secondly we object to the proposal of their representations through Mukhis, that brings into some extent indirect election. Under the present circumstances prevailing in tea gardens, the employers engage 'Sardars' or head man in recruiting labourers from their native places and also they have their work done in the gardens through

these Sardars. The natural result of this form of election, i.e., election of Mukhis, will be that they will elect these Sardars under whose solicitations they left their homes and under whose orders they work in the gardens. It is needless to say that these Sardars are as good as the employers themselves in looking to the interest of the latter. So under the present circumstances, prevailing in the gardens, representation of labour in the Reformed Assembly will be nothing short of manipulated affairs of the employers.

5. We admit that the conditions of Labour in Assam is in a most backward state of development and at the time when the Lothian Committee investigated matters it was the same as to-day but still they (The Lothian Committee) was pleased to recommend that all the vast industrial and agricultural labourers should be represented in the Assembly through Trade Unions although it so happens that Trade Unions may have been formed even six months prior to the date of election. We beg to submit that a Provincial Labour Organisation under the name and style of "Assam Labour Association" with strong executive consisting of highly educated and self-less workers including labourers themselves has been formed at a very largely attended public meeting at Jorhat (Dhekiakhoa). The Assam Franchise Committee have been informed of its existence and application for its registration under the Indian Trade Union Act, 1926, would shortly be submitted and it is expected that this Association will be registered ere long. We therefore propose that in view of the recommendations made by the Lothian Committee regarding Labour representation through Trade Unions and in pursuance of the democratic principles we request that the labourers in Assam should be allowed to be represented through this Trade Union.

Lastly we object to the proposal of Labour candidature for election being limited only to Primary electors. Even in the present constitution where there is no Labour Representation in Councils and Assembly, the Government have nominated men like Mr. Joshi as Labour representative and not an ordinary labourer because the primary voters or labourers have not intelligence and education enough to be able to stand for the interest of their class. In Assam Mr. Witherington, a Tea magnet, driving a Limousine Car represented the labourers. In the present circumstances a man like him may not be able to stand. But the Labour members selected by the Mukhis from among the primary voters residing in tea gardens only will always follow the planting members most loyally and faithfully. Surely representative Government as the present Government of India Act proposes to establish, will be a misnomer in the case of Labour representation in Assam. We therefore propose that the persons connected with Labour and Labourers' movement but unconnected with employers or officers under them, should also be allowed to stand as Labour candidates for election to the Assembly in the present undeveloped intellectual and political conditions of the actual labourers.

We beg to summarise our proposals as follows :—

- (a) That all Industrial labourers now excluded by the Government proposals should be enfranchised.
- (b) That all *ex-tea-garden* coolies earning wages working in the gardens should be enfranchised.
- (c) That the Government proposals of limiting the constituencies to a very small area and election through Mukhis should be rejected and in their places labourers should be allowed to send their representatives through Trade Unions.
- (d) That the Government proposal of restricting Labour candidature only to Primary labourers should be rejected and in its place, any persons selected by registered Trade Unions of Assam and non-connected with employers as their officers, should also be allowed to stand to represent Labour.

We earnestly request that the Government be pleased to take our proposals into their kind consideration and give us an opportunity for appearing before the Delimitation Committee.

#### 64. Memorandum on the Chargola Exodus.

1. The Chargola exodus took place during the height of the non-co-operation movement when agitators preached the gospel of hatred against Government and against Europeans. At this time the tea-market was under a cloud of depression which meant that the earnings of the labourers on gardens were reduced. Non-co-operator leaders who were mostly local politicians took advantage of this economic crisis in tea to stir up trouble in the gardens throughout Assam; and it was in the Chargola exodus that they achieved most success by their pernicious propaganda.

2. On the 1st and 2nd May 1921 non-co-operation meetings were held at Ratabari in the Chargola Valley. The main themes of the speeches were the Khilafat wrongs and non-co-operation, but at both meetings, which were attended by many coolies from Anipur Tea Estate about a mile from Ratabari, one agitator who spoke in Hindi impressed on the coolies the fact that their present wages were inadequate. He urged them to demand a rise and in case of refusal to cease work. Tea garden managers were compared to Satan. On the 3rd May about 750 labourers and their dependants left Anipur for Karimganj, about 30 miles off. This was followed by a general exodus from all other gardens in the Valley except Bidyanagar Tea Estate. A few hundred coolies also left the gardens in the adjoining Longai Valley. The exodus continued up to the third week of May.

3. On the 1st May 1921 there was on the gardens affected a population of labourers and dependants of 20,250. Of these 8,799 left in the exodus. Practically all of them returned to their country especially Gorakhpur, Basti, and other districts in the United Provinces. A certain number died from disease on the way. Those who had cattle and other movables sold them mostly on the road between the gardens and Karimganj to villagers at a very cheap price. No information is available as to how many cattle were sold.

4. From Karimganj, the coolies gradually found their way to Chandpur, mostly by forcing their way into trains without tickets or by taking short distance tickets and continuing their journey to Chandpur without paying the excess. No definite information is available as to how many did so, but it is safe to assume that most of them travelled to Chandpur in this way.

5. From Chandpur, where cholera broke out and where there was friction with the police, they gradually found their way to their homes, some of them boarding the steamers between Chandpur and Goalundo by force and others being helped by funds from private individuals who sympathised with them. It is believed that very few ever came back to the gardens.

6. In the third week of May, the employees of the Assam-Bengal Railway went on strike out of sympathy with the coolies who were stranded at Chandpur. The strike gradually broke up after two or three weeks but while it lasted caused much public inconvenience, especially in the Surma Valley where its duration was longer than in the Assam Valley.

7. \* \* \* \* \*  
 \* \* \* The general conclusion of the Committee as stated in paragraph 31 was that "the exodus was partly due to the bad economic conditions existing among certain sections of the labour force on the Chargola tea-gardens, particularly in the case of coolies imported in recent years, notably 1918-19, but that the Ratabari meetings, and probably secret propaganda among the coolies, in pursuance of the anti-British programme deliberately adopted by the Sylhet Conference in September 1920, were to a great extent responsible. They cannot believe that the exodus would have taken the form it did, that the coolies would have deserted the estates *en masse*, had it not been for the speeches delivered at the political meetings in the vicinity, which gave the final impetus to discontent engendered by conditions prevailing on the

plantations". The fourth resolution of the Surma Valley Conference attacking European Employers of labour, in the same paragraph is important. Paragraphs 45—48 deal with the political situation in the Surma Valley. General conclusions are given in paragraphs 52—54. Particular attention is invited to paragraph 53 where it is stated that "the Committee are convinced that the agitators who interfered with garden bazars and who addressed coolies in meetings on the subject of low wages and mal-treatment were mainly actuated by the desire to unsettle and disturb labour and not by any benevolent intentions of improving the material condition of the labourer". Paragraph 4 of the Government Resolution on the Report may also be seen.

The Chargola exodus was a success from the point of view of the agitator but the price that had to be paid was great suffering on the part of the coolies who went out in the exodus and whose credulity was pathetic, and the crippling for many years of the tea industry in the Chargola Valley. It is only in the last two or three years that some of the gardens have been able to round the corner. It is little wonder that the tea industry views with great misgivings any proposal that would allow the tea labour representatives in the new Constitution to be drawn from constituencies outside the gardens.

### Bengal.

**Letter from the Secretary, Indian Tea Association (Darjeeling and Dooars Sub-Committee). Dated Calcutta, 20th September 1935.**

#### *Representation of tea garden labour in the Bengal Legislative Assembly.*

The Darjeeling and Dooars Sub-Committee of this Association have seen (1) a copy of a letter, dated 31st July, addressed to you by the Darjeeling Planters' Association and (2) a copy of a letter, dated 3rd August, addressed by the Dooars Planters Association to the Deputy Commissioner, Jalpaiguri, on the subject of the election to the Bengal Legislative Assembly of representatives of tea garden labour. They have also seen and considered copies of certain correspondence exchanged between the Assam Branch Indian Tea Association and the Assam Government with regard to the representation of tea garden labour in the Assam Legislative Assembly.

2. They have remarked on the vital differences which exist between the proposals of the Governments of Assam and Bengal in this regard and they are agreed that it is very desirable that in the contiguous provinces of Assam and Bengal, a similar procedure in dealing with this matter should be adopted. As regards the system of election of the labour representatives in Assam, it is proposed that every 50 labourers resident on a tea garden will elect a *Mukhi*, or secondary elector, to represent them and only the names of the secondary electors—who will be elected by ballot—will appear on the rolls. In Bengal, it is understood that the names of all labourers will be placed on the roll and this, the Committee are agreed, will cause a great deal of what might be termed unnecessary work, not only in the preparation of the roll but in its revision.

3. Candidature for labour seats in Assam will be restricted to persons who are primary electors and a tentative draft of the qualifications for primary electors in Assam is as follows :—

"A person shall be qualified to be a primary elector in a tea garden labour constituency who is a *bona fide* labourer of either sex over 21 years of age and who has resided in land belonging to a tea garden for a period of not less than one year prior to the date of the primary election.

*Explanation.*—The term *bona fide* labourer does not include the ordinary supervisory, clerical and medical staffs employed on tea gardens, but it includes all persons belonging to the labouring castes usually found in tea gardens even though such persons may have certain duties of supervision and, in particular, it includes the classes of persons known locally as jemadars, sirdars, chankidars, and daffadars."

This definition is quite acceptable to the Committee and they would urge its adoption by you or something on somewhat similar lines.

4. The Committee now realise that your proposals for candidature go further than they believed in that any person whose name is registered in *any* constituency in the district shall be eligible for election. By this means it would be possible for any labour agitator, extremist Congress member or other objectionable person who resides for 10 years in the Jalpaiguri or Darjeeling district *outside* the labour constituency to become a candidate and as such would have to be allowed to enter tea estates and canvass the labour. To this my Committee take most strong exception and they would strenuously oppose the promulgation of any such condition for representation of the tea garden labour in Bengal. They are unanimous in their view that candidature for election should be limited to *bona fide* labourers resident *within* the constituency as is the case in Assam and of which I have spoken in the preceding paragraph of this letter. They would request that the Government of Bengal should take whatever action is necessary to ensure that the industry's wishes in this regard are acceded to.

5. Following on the remarks contained in paragraph 4 above I am to suggest for your very careful consideration that, as it is believed the position will be in Assam, candidature for election after the first election to the labour constituency should not be confined to primary electors in the particular district in which the constituency is located but rather that any person who has once been a candidate for a seat in any tea garden labour constituency in Bengal should be entitled to stand as a candidate for any labour constituency provided that such person would have been qualified as a "primary elector" had he resided in the constituency for which he stands as a candidate. As has been said, my Committee believe that the Government of Assam have agreed to this and they would go further and suggest that in all elections after the first, any "elector", and not merely a previous candidate, in any tea garden labour constituency should be allowed to stand as a candidate for any labour constituency. The reason for this opinion is that a member who has represented a tea garden labour constituency in one district and thereby gained experience thereof should not be excluded from being a tea garden labour constituency candidate in a subsequent election held in the other district.

6. The Committee regret that it has not been found possible for them to place these proposals before you at an earlier date, but it is only recently that they have had an opportunity of studying the conditions for representation in the tea garden labour constituencies of Assam. They trust that the Government of Bengal will be pleased to give this letter their careful consideration and that all avoidable differences between the rules in this regard in Assam and Bengal may be eliminated.

## 65. Evidence of Mr. F. W. Hockenhull, Secretary, Assam Branch of the Indian Tea Association.

*Shillong, dated the 19th November 1935.*

*The Chairman.*—My colleagues have not seen a tea "garden. Will you give them a short account of what the labour force is?—I have been specifically invited to ask your opinion whether we can put in any supplementary written statement, if necessary, in view of the fact that at the time at our disposal it was found difficult to communicate with the Indian Tea Association and the two branch associations.

*Q.*—Would you like us to take evidence in Calcutta?—Yes, we would.

*Q.*—I want to read one passage from the Whitley Report at pages 388-389. The report says:—

"The important feature which emerges from the survey is inequality of the bargaining power of the two parties to the wage agreement. As we have shown they are a powerful organisation of employers. As a rule these have an understanding that the actual rates of wages shall



not be increased without notifying their Association, a practice to which resort is seldom made. In effect this means that wage rates are determined by the joint action of the employers influenced by the extent of the supply of labour available for employment on the plantations. Workers on their side have no effective means of meeting this."

Now, if you will explain what you propose to do to remedy that state of affairs?—As you know, we have given a great deal of study to these questions and I think the Assam Government and the tea industry proposed, in the first instance, that the only adequate way would be by nomination. That, I understand, was unacceptable. Then we come to the scheme proposed by the Assam Government in this memorandum. This scheme of rotating is not acceptable to the Committee.

Q.—We find elsewhere, when looked into, the other Governments have abandoned it?—One of the difficulties is, you would lose the electioneering organisation after every election. How would you consider the advisability of taking the election areas, in the first instance, as more or less permanent ones and elaborating that. One of the difficulties you have raised is that there is a relative paucity of representative peoples in the proposals of the Assam Government. You have got 75,000 out of a million. I think we could remedy that without any grave deviation from the plan proposed. The demarcation of a 5-mile circle from the Doom Dooma Police station might easily be extended so as to include twice as many primary electors, and we might do that in the 4 districts selected, Lakhimpur, Darrang, Sibsagar and Cachar. 7 5 per cent. of the total population of the tea gardens is represented by labour. Assuming that we should double that number and bring it up to 15 per cent. of the tea garden population, don't you think we would have accomplished a great deal for the first effort. This is a practical possibility that the Government would consider—the demonstrative possibility of so enlarging a democratic constituency by having the twice the number.

Q.—You mean the primary election instead of being an electorate of 75,000 would be 150,000?—Yes.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Would it ensure this: would it eliminate the system of *Mukhi* and introduce direct election?—I don't think that is possible: direct election is impossible.

Q.—We have heard so much in the representations placed before us that the "labour seats" are going to be "planters seats". To eliminate that possibility if direct vote is granted that criticism will loose some of its force. So you might propose something on these lines?—I don't think it is really possible. If we contemplate any primary election it will be by "show of hands". The coolies in tea gardens live in lines very often according to caste but frequently they are cheek by jowl with other castes and get mixed up.

*The Chairman.*—When you say "we" who do you mean?—I take it the Government will do it. The management of the tea gardens are out to cooperate to the greatest extent.

Q.—What "we" means is that the garden management through their establishment of what you call your tea garden mohurrers will arrange to hold this primary election?—Yes.

*The Hon'ble Mr. Justice Din Muhammad.*—Supposing we have the 4 constituencies recommended by the Government, can we not have direct voting; it will only mean 18,000 per constituency?—If you ask me we will make every effort to do so.

Q.—Will there be any difficulty in having direct voting amongst the coolies?—If Government would accept it as an administrative possibility the tea industry will have no objection.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—50,000 in one case and 35,000 in the other for direct representation there would be no difficulty?—So far as the

industry is concerned there would be no difficulty. I think it is a question you must put to the local Government as to the feasibility of the scheme.

*The Chairman.*—What is the biggest number of electors they have got in their general constituencies. ?—I don't think that with direct election the labourer would be able to form a judgment about the very many people who are put up for election.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—I don't think the system will ever work satisfactorily until the labourer can exercise independent judgment. Tea garden labourers are quite different from the outside labourers because the outside labourers may be influenced by candidates but the condition of tea garden labourers make it impossible for them to be influenced. They can never get politically educated ?—There are no restrictions to the coolies coming and going ; naturally there are certain restrictions to people coming into the lines.

*The Chairman.*—My concern is rather in another direction. You have those small constituencies proposed here. Where are you going to get your candidates from ?—We presume there are people who have some interest and they certainly command a certain amount of respect.

*Q.*—Will you give an instance ?—The mistris, for instance. The mistri says "I am above hoeing and I am not a labourer but I am a skilled workman". Then you have the class of man who has become a sirdar and from that, perhaps, he has risen to a garden mohurir.

*Q.*—Have you got any of those among the Oraons or the Mundas from Ranchi ?—Yes, we have that class of men.

*Q.*—Take the factory mechanic : in the manufacturing season, which is the busy time, would he be able to come and sit in the Legislative Council ?—I think we would be prepared to release that man.

*Q.*—Can you think of any other man besides the factory mistri or mechanic and the man whom I will call the educated sirdar ? The reason why it might be wise to distribute these constituencies over the whole province is that you might get a bigger field of candidature. You might get a man who has worked in 2 gardens before he might be a candidate for election. I have come across ex-tea garden coolies, sometimes, in Cachar who were able to talk English. They started life in a tea garden, made money and settled down. Could they be qualified to stand for garden labour ?—I don't think we shall have any difficulty in finding candidates who will ventilate the feelings of the labourers.

*Q.*—If you confine candidature to the small constituencies there may be a dearth of candidates. And that is why, it seems to me, you are not going to have regular but indirect elections, unless we suggest direct election. It would be very difficult to poll all those people. If you could have indirect election taking 1 in every 500 and thus enlarge the electorate, the chances of getting candidates would be increased.—Will you give me an opportunity of putting that before our people ?

*Q.*—Yes. Small gardens would have to amalgamate.—The main proposals were on those lines ; instead of 25,000, 17,000 and 14,000 we might extend the area and get double the number of primary electors.

*Q.*—You would still have the *mukhi* system ?—Instead of having 50 to elect a *mukhi* you can have 100 The disadvantage of the proposal of 1 to 500 is this : the distances are very great and if you go beyond a limited circle these people would never be in touch with their employers and the secondaries also would be unable to form judgment who was the best man to elect amongst themselves.

*Q.*—Have you not got that now ? The Ooriyas for the Ooriyas, the Chota Nagpuri for the Chota Nagpuri, the Santhal for the Santhal ?—I don't think so ; in many gardens you do get them by castes, but now you accommodate them where accommodation is available.

Q.—How would you get your candidates for the primary election? How would you get your *mukhtis*?—In many cases they would be self-elected. In the lines there are men who are leaders by force of character; they take part in various happenings on the garden such as collecting subscriptions for the *piyas*; they are really the leaders of the people among whom they live.

Q.—Then I put it to you that if it is possible for them to elect their own leaders why should the Government interfere? There is a tremendous lot of work behind it?—The industry has no objection to that, but we do feel that there will always be a lot of invidious criticism with regard to making a precedent regarding the seats, and if you get a Government official to supervise and show them that it is in order to attend the elections, it will be useful.

Q.—Do you think the presence of a Sub-divisional Magistrate would make any difference?—Not in the result, but it may have an influence in the general electioneering.

Q.—In other words, you say that if you have an informal election in the presence of a Government officer you will be in a position to show that it is an open election and the result is not a planter's nominee; that is behind your mind?—Yes.

Q.—For the first and second elections it may be all right, but in the third election if you confine it to a specialised area you will find yourself against intense difficulties?—When you get only one such member in a large area I don't think there will be much difficulty.

Q.—Don't you think the news will pass round that there is this nice profitable job and that you will get 20 or 30 sirdars wanting it?—It would be a very healthy democratic change but I do not think it will come for the next 10 years.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—It has been suggested that the representative may be a man outside the labour force?—We strongly oppose that. We recognise that where the trade unions are *bona fide* organisations. But there is no such organisation.

Q.—Why should you oppose that?—He may not come in merely to represent them. (At this stage the Chairman instanced one or two cases of troubles that arose previously which has given a bitter experience of it in the past. This was mentioned aside for the information of the other members of the Committee). Actual labour is very susceptible to things of that kind and unless we had a *bona fide* trade union we must oppose very strongly that suggestion.

*The Hon'ble Mr. Justice Din Muhammad.*—Will the employers encourage trade unions to be organised?—I do not think there is any movement to that effect. I do not think the tea garden cooly is of that kind. On the question of seats for those outside tea gardens, on the figures we have there will be ten to twelve thousand, that is to say equivalent to half of one per cent. of the tea gardens' population of whom at least one half are in Digboi and in the collieries of Margharita. That is half of one per cent. There are only two possibilities. One is that you will have the primaries in the area on the same lines as tea. There will be no cohesion between them at all. Alternatively it is almost unthinkable that one of these seats should be given to that form of labour which represents one half of one per cent.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—The primary aim is I think to enfranchise industrial as opposed to agricultural labour. In Assam tea garden labour should be given representation. Why should not such industrial labour as is available be given representation, though it bears a small ratio to the entire labour force?—There is the difficulty of how you are going to do it.

Q.—Do you find this population concentrated in a few areas?—They are not first of all a settled population.

Q.—In what sense are they not a settled population? Are not the tea garden labourers who come from other provinces settled?—They are mostly settled with their families. Of these a very small population go out, but an overwhelming majority of them are settled in the tea gardens.

*The Chairman.*—In fact the intention is to encourage settlement?—Yes. But in the collieries for instance there are the *makranies* who come, and go when they have earned sufficient to go back. That is the floating population.

*Q.*—I think we can take the report of the Royal Commission on Labour as a guide. They have gone into the question thoroughly, they had been to the tea gardens and stayed there for a few days and studied the whole problem. I think we can take their views as absolutely correct. The problem to my mind is how you are going to get satisfactory candidates?—At the beginning we shall have to take what we can get. But I am quite sure that as time goes on by contact with others we can get more satisfactory men.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Why not amalgamate a garden cooly with the ex-tea garden cooly?—When a labourer leaves the garden he goes out and settles where he likes, takes up some land and lives just like any other ryot. These people are not centred at any particular place; they are settled a few here and a few there. Some of them are settled at distant places 10, 20 and 30 miles away from the garden.

*Q.*—Are they not on the registers of the garden?—No, they are different. The amount of work they do for the garden is very small. They are not regular employees and they may come and work when they have nothing to do on their own land. In fact they are their own proprietors of small patches of land.

*The Chairman.*—These details are all on this book (Report of the Labour Commission). I gather that the industry and the local Government both wanted to have nomination and they are simply putting forward this scheme which they think as the second best.

# Sind.

66. Evidence of Messrs. Jamshed Nusserwanji Mehta, Ex-President and ex-Mayor, Karachi Municipality, and Naraindas Anandji Bechar, Municipal Councillor, Karachi.

*Karachi, dated the 17th December 1935.*

*The Chairman.*—Mr. Jamshed Nusserwanji—what do you want to give evidence about?—I am asked to come here on labour question.

*Q.*—As regards labour some provinces appear so much in favour of trade union representation, and others have preferred unorganized labour because they say that labour trade unions are not sufficiently developed yet and they are mushroom growth having small membership. What would you suggest?—I have given my opinion to the Sind Delimitation Committee, that for the present in regard to labour representation I would like trade unions being given an opportunity in our province. But in our province we are not sufficiently developed yet, though in Karachi there are some trade unions and three of them are important. But apart from that in other cities or towns there are no trade unions. As we are in a stage of transition I think we should give an opportunity to other organisations also.

*Q.*—Where are the important factories located?—All around Sind in different districts. Because we have the Factory Act it becomes easy to collect votes.

*The Hon'ble Mr. Justice Din Muhammad.*—If the constituency is composed of the whole of the Province, don't you think it will be too large for a labour candidate?—The number of factories in each place are few and therefore it will not be unwieldy so far as the area is concerned. Generally the factories are located in the big cities and they are almost very near the station as far as my knowledge of Sind goes.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Suppose we confine it to the factories of Karachi, Sukkur and Hyderabad? Would it meet the fair demand of

labour ?—I have given my opinion that the present opportunity should not be lost. Labour in Sind, in order to educate them that they have a vote to exercise once this is done they will automatically come into the trade unions.

*Q.*—Would you favour factories all over the Province ?—Yes. If that will be too many, only Sukkur, Hyderabad and Karachi can be considered.

*The Chairman.*—I think with Karachi, Sukkur and Hyderabad only 50 or 55 factories will come in. What about others ?

*The Hon'ble Mr. Justice Venkatasubba Rao.*—The area becomes larger ?—It will be easy for a candidate to go to the collectorate and it will be easy for him to find out the factories. Then why drop the rest ?

*The Chairman.*—Because the area will be too big.

*The Hon'ble Mr. Justice Din Muhammad.*—Are you not for direct voting ?—I have also given my reasons for or against.

*The Hon'ble Mr. Justice Venkatasubba Rao.*—Are you proposing indirect election for Sind ?—Trade unions are out of the question. Taking unorganised labour I would repeat the question of my learned colleague whether you would prefer indirect or direct election ? If you are for direct election the corollary is that you must take a compact area instead of a scattered area and do away with trade unions.—If you see a map of Sind and see the location of the different groups of factories you will find that it will not be difficult for a candidate to go about. I am for direct election.

*The Hon'ble Mr. Justice Din Muhammad.*—Which towns will you combine ?—I will group each district.

*The Chairman.*—We want a genuine labour man and he won't have much money to spend.—If you will see the location of factories in a map you will find what I am saying is correct. The fare between each district will not be much. That is my submission. I cannot think it will be inconvenient to go about the whole province. I want every labourer to know that he is a part of an organisation, and that will be a great education to a labourer in the transition period, and in the next three years they will have opportunity to organize themselves, and will feel that they require an organisation of their own.

*Q.*—An important point is the size of the electorate ?—But I put more importance to the education.

*Q.*—I look to the class of the candidates between whom and the constituency there will be a close touch, and on whom the voters can bring forward pressure, when they choose to do so ?—We will make mistakes, in the beginning. Education to the labourer is a great advantage. Mistakes we make and I don't mind it. I prefer education of the labour.

*The Chairman.*—They are two sides of the question.

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## X.—UNIVERSITY.

### Madras.

#### 67. Memorandum by Rao Bahadur K. V. Krishnaswamy Ayyar on University Representation.

The arguments urged by Government in favour of their conclusions may be put thus :—

- (1) The seat on the Legislative Council is for the representation of a special interest—the Universities.

- (2) That interest can have effective representation only if the Senates which formulate and administer the policies of the Universities are the electorate.
- (3) The general body of graduates have no knowledge of University policy or University administration.
- (4) There is no guarantee that their representative will take the trouble to acquaint himself with the intricacies of University questions that may come up before the Legislature.
- (5) The representative may present a view opposed to the views held by the Senates of the Universities which he is supposed to represent.

To examine each of these grounds—

(1) The underlying assumption is unfounded. The seat is not one for the representation of any interest. To quote from the despatch of His Majesty's Government in transmitting the Act of 1882, the intentions of Parliament were stated to be, "that bodies like the Senate were to be consulted for the reason that 'Governors might find convenience and advantage . . . . . with regard to the selection of persons in whose qualifications they might be disposed to confide'."

I have attempted to show in my memorandum that the University seat is not one for representation of the University interests, administrative or otherwise as such but for the selection of a person who will voice disinterested and enlightened opinion in the country.

Nor are the interests of the three Universities in any sense identical. No single person can effectively represent the interest of three Universities.

(2) The assumption is that members of the Senate are all fully posted with the details of the administration of the University. There is no warrant for that assumption, particularly when the University Acts contemplate the election of persons to the Senate who have not even any educational qualifications.

Further, it cannot be assumed that a member of the Senate of one University is acquainted with the administrative policies of all the three Universities.

It is also ignored that in Provinces where the University Act of 1904 is in force the electorate would include honorary Fellows who do not sit in the administrative body.

(3) The question does not arise in view of the answers to (1).

(4) It would be interesting to know what intricate University questions have come up for discussion before the Legislative Council since 1892. Under the Madras University Acts, the Universities are completely autonomous bodies. It is unimaginable how a question regarding University administration can come up before the Legislative Council. It is obvious that no academic question can. As regards financial questions the interests of three Universities are not the same.

Questions relating to the University administration had to be considered by the Legislative Council only when new pieces of legislation were made. The Legislature then always had the advice of two expert members.

The suspicion that a graduate of the University may not take the trouble to acquaint himself with the intricacies of University problems is unjustified. If any member of the Senate could, *a fortiori*, any graduate can.

There is no suggestion that the representatives chosen by graduates till now proved a failure. They were Mr. S. Srinivasa Ayyangar, Mr. C. Ramalinga Reddie, Mr. S. Satyamurti and Mr. T. S. Ramaswami Ayyar. Any Legislature ought to be proud to have members like these.

(5) The arguments will equally apply when one member has to represent three Universities not wholly identical in interests.

# XI.—INDIAN CHRISTIAN.

## The United Provinces.

68. Memorandum of Prof. Ahmad Shah, M.A., M.L.C., Member at the U. P. Government Delimitation Conference, dated the 8th October 1935.

*Memorandum on the right of Christian women for voting in, and standing as candidates for election from, the General Constituencies for Women.*

I have the honour to submit the following statement for the consideration of the Delimitation Committee about the rights of Christian women : Europeans, Anglo-Indians and Indian Christians :—

1. In the United Province Government Memorandum, discussing women constituencies on page 25, reservation of seats is based on the classification of Mohammadan and General, not Mohammadan and Hindus. The word 'general' clearly indicates that these seats are open to every woman but Mohammadan.

2. Again on page 26, where the memorandum discusses the classification of these seats in urban and rural, it clearly mentions General Urban constituencies and Rural General seats. Thus the memorandum clearly indicates, whether urban or rural constituencies, they are General, open to every woman except Mohammadan.

3. On page 27, in discussing the qualifications for franchise, the memorandum again very clearly mentions these qualifications under two categories, *i.e.*, Mohammadan and General.

The above three points very clearly suggest that Mohammadan women on one side and non-Mohammadan on the other, under the term 'general' have the right to vote and stand as candidates for election to the Legislative Assembly.

4. I presented this position before the United Provinces Delimitation Conference, which unanimously endorsed it.

5. The United Provinces Government would recommend its acceptance, if it is found to be constitutionally practicable.

6. To grant this right to Christian women would not constitute an entirely new departure, for scheduled castes have already been given the right to voting in special as well as general constituencies. Therefore Christian women, while voting in the special Christian constituencies, may be given the right to vote in the general women constituencies.

7. I have further to state that Christian women are pioneers in Education, Child Welfare and Maternity works and in nursing and medicine. If this right is withheld from them, the loss will be twofold, *viz.*, (a) Christian women will be deprived of a right to which by unanimous consent they are entitled by virtue of their service to the country ; and (b) the representation of women in general will lose a very great part of its effectiveness and force.

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## Bihar.

### 69. Evidence of Mr. S. K. Roy and others.

*Ranchi, dated the 19th October 1935.*

*Indian Christians.—*

Mr. S. K. Roy in reply to the Chairman said that they would prefer to have 40 delegates elected by each of the two bodies rather than one in 5,000 of the population. He said that it would be difficult if the number of delegates were less than 40 each, to give adequate representation to the different sects of the Protestant community in the different parts of the province. The witness said that it was more or less agreed that if the representative in the Provincial Legislature were a Protestant the one in the Federal House would be a Roman Catholic. The Chairman asked

how this could be secured, considering that the electorate for the Federal House would be a different one consisting of persons taken from all the different provincial legislatures. The witness said that even so he thought it could be secured.

There was some discussion about the interpretation of Clause 22 of the First Schedule. After discussion the Committee thought that probably it would be possible in Bihar to put up a candidate or candidates of the required denomination and that the power of nominating candidates would rest with the province itself and not with the central electoral college which is described in Clause 22 of the First Schedule. At any rate, they thought that if the nomination rested with the central college it could be arranged by a gentlemen's agreement that a person of the required denomination would be put up.

Mr. S. K. Roy explained that if they had 40 delegates they would include all the unspecified sects as far as possible and bring them into the electorate. The Roman Catholic delegates agreed, and the Chairman said that in that case it was not for the Committee to interfere and they accepted their decision.

The Chairman asked the representatives what would happen if the local Legislative Assembly was dissolved in a year or two. Mr. S. K. Roy said that they had considered this. He thought they will be able to settle the matter amicably.

The Chairman asked Mr. S. K. Roy to let him have a letter signed by the representatives of both the communities about the agreement.

Mr. S. K. Roy explained that they would prefer the postal ballot.

Mr. S. K. Roy said that the Chota Nagpur Catholic Sabha although called "the Chota Nagpur Catholic Sabha" really represented the whole province.

Mr. S. K. Roy said that the backward communities preferred two votes in double member constituencies without allowing plumping. The other representatives agreed with him.

The Chairman explained that he thought the provision might be that the two votes could be distributed as they liked with perhaps prohibition against plumping.

### Polling by Women

I—EXTRACT FROM REPORT BY MR. J. H. DARWIN, C.I.E., I.C.S., COLLECTOR OF AGRA ON THE PREPARATION OF A TEST ELECTORAL ROLL FOR A WARD IN THE AGRA MUNICIPALITY (1933).

\* \* \* \* \*

#### (1) *Selection of Ward.*

Rakabganj Ward which is the third largest of the seven wards in Agra Municipality was selected for the experiment. It occupies a central position in the city and though not quite so congested as one or two others, it contains many densely populated elements and includes several sections which are largely inhabited by chamars, kolis and bhangis. The total population of the ward is 42,886, of whom 3,332 are members of the depressed classes or scheduled castes. The Muslim population is about 45 per cent. of the whole.

#### (2) *General arrangements and operations.*

The ward is divided into 5 circles for facility of tax collection, and they form a useful basis for electoral operations. Mirza Wali Bakht, Deputy Collector, was placed in general charge of the work, and a separate supervisor appointed for each circle. Each supervisor was assisted by one election muharrir, one municipal bill collector, one municipal jamadar (from the Sanitary department) and (except in one circle) by one lady worker. These units of five were found to be of a very convenient size, and they managed to get through the work expeditiously. Two leading Raisas of the city, S. Ghulam Hasan, Honorary Magistrate and S. Muhammad Mohsin volunteered their services as supervisors. The other three supervisors were tahsil officials. It was found very difficult at first to obtain female workers. The Chairman of the Municipal Board, the Inspectress of Schools, and Miss Holman, who is in charge of a Missionary Institution in the ward, were asked to help us, and



normally they would have been able to depute an adequate number of teachers, but on this occasion they did not find it easy to do so as annual examinations are held in the months of March and April. Qualified female workers other than teachers were most reluctant to offer their services. Many of them were shy or felt doubtful of the treatment they would receive in strange houses. They feared that they might be subjected to indecent remarks if not to molestation, and all of them felt diffident about their ability to perform a novel task. Ultimately however when I had offered them a special fee of Re. 1 a day a sufficient number of teachers came forward: but each of them wanted a khadim or female servant. I allowed this also on a remuneration of annas 0-4-0 a day.

¶ The special points which emerge from the above are that .....if lady workers are employed they will generally require servants to accompany them.

(5) *Difficulties in preparing the electoral roll.*

Some of these have already been mentioned. There remains the difficulty of preparing a roll for women and this was as real here as elsewhere. It was generally found that women themselves, particularly in the higher classes but also even among the scheduled castes, refused to appear: and their husbands or other male relatives were equally reluctant to give any information about them, especially in respect to their names and ages. My staff has defined this attitude as one of indifference amounting almost to obstinacy. As an instance I may mention that no information whatever could be elicited about the women folk of a Dhakra family, though one of its members is a Municipal Commissioner and another an Honourary Magistrate and a B.A., LL.B. The difficulty was however nearly always overcome by patiently explaining to people the purpose of the operations and by enlisting the help of influential and respectable residents of the locality. My staff thinks that not more than one per cent. of the total population was ultimately omitted. The women employed on the staff were not efficient in their work, but for the reasons given above the services of the best could not be secured.

(7) *General results.*

I propose to deal now with some of the more significant statistics. The population of the ward which is 42,886 is made up as follows:—

Hindus and others.			Muhammadans.		
Males.	Females.	Total.	Males.	Females.	Total.
12,636	10,901	23,536	10,372	8,977	19,349
Total males ..		..	..	23,008	
Total females ..		..	..	19,878	

Comparative percentages of voters at last and present elections are—

				Last election.	Present election.		
Muslim males	..	..	..	2.81	2.85	{ 6.07 }	7.61
Muslim females	..	..	..	.046		{ 1.54 }	
Non-Muslim males		..	..	2.05	2.09	{ 3.54 }	4.53
Non-Muslim females	..	..	..	.039		{ .99 }	
Depressed class males	..	..	..	.303	.30	{ 1.18 }	1.47
Depressed class females	..	..	..	.004		{ .29 }	
Total				5.24		13.61	
Total male vote at last election				2,219			5.16%
Total female vote at last election				39			.08%
Total male vote at present election				4,615			10.79%
Total female vote at present election				1,215			2.82%

(9) *Women's vote.*

This has increased from .08 to 2.82 of the population as compared with the men's vote to 10.79. It gives women a proportion of 20 per cent. which corresponds exactly with the ratio of one woman to four men which was estimated by the Indian Franchise Committee as the probable effect of their proposals on page 85 of their Report. In cities however it was believed that the number would go much higher. The reason why it does not, is that an unexpectedly large number of wives was found to be under 21.

Experience of this provisional election has entirely confirmed former impressions that a very small proportion of this electorate would vote; and if as now designed in the White Paper women who derive their right to a vote through literacy or their husband's qualifications are only to get it by application, the number of those who actually become voters, if the application is to be a personal one will probably be very small indeed. My staff whom I consulted particularly on this point thinks that less than 10 per cent. will do so, and that they will be mainly drawn from the depressed classes who do not generally observe purdah. The provision contained in the White Paper certainly has one great advantage in that it will curtail the necessity of including a vast number of women in the electoral rolls who will never exercise their right; and this will mean a great saving of labour and expense. But the prospect of this shortage is not likely to satisfy those who have been agitating for a very large increase in women's suffrage and it seems very necessary to consider whether anything can be done to reduce it. It is doubtful whether the "application" envisaged in the White Paper should, in the case of women, be a personal one or not. If the authors of the White Paper mean it to be personal the results will be those mentioned above. If however they have not considered this particular point and it is still open to discussion, I think that matters could be so arranged as to dispense with the would-be voter herself applying. The following scheme would seem to me practical. A proclamation will be issued in every town, village or city to let the residents know when the rolls will be prepared. In practice this will be a period lasting 2 or 3 months. Any person who wishes to secure a vote in respect of educational qualification (literacy) or of property held by her husband will be informed in the proclamation that while these operations are proceeding she may present a written claim to the official preparing the rolls either herself, or through an authorised agent, or through her husband or father (if the husband is dead). These claims will at once be forwarded by the official preparing the rolls to a Magistrate (or if there is a separate Election Officer to him) who will fix dates for verification of the claims. For this purpose he may either visit the locality himself or direct the claimant to attend before him. But as before, he will accept verification of the claims by a duly authorised agent, a husband or father. Meanwhile the official preparing the rolls will have included the claimant's name in his draft electoral roll. It will be retained or expunged subsequently according to the orders of the Magistrate. It is important that the claim should go through the official preparing the draft rolls in the first place, because the insertion of a large number of new names in the electoral rolls subsequently may lead to confusion. It is much simpler to erase than to insert. Moreover, persons who are prepared to make an initial claim to some one on the spot will often demur to going all the way to a tahsil or district headquarters for the purpose; but once they have made a claim they will generally be ready to attest it. Where the claim is on account of a literacy qualification it will be sent to the Inspectress of Schools by the official preparing the rolls, and she will depute female teachers in the neighbourhood to verify it.

In writing the above I have been thinking of rural as well as urban areas. My staff is of opinion that this system will have the effect of quite doubling the number of applications that would otherwise be made, and that by these means we should get 20 per cent. instead of rather less than 10 per cent. on the rolls. But even 20 per cent. will still be a small figure.







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